

versation between Sir Warren Fisher and Sir Horace Wilson deciding to "put it up" to the Chancellor; the report of a Royal Commission; or the word of one of the Prime Minister's personal friends. For each Prime Minister has had his little group of intimates, sometimes hardly known to the public, or officials acting out of school, who have had great influence on the moment and manner of "pulling the trigger", and even on policy itself. The Weirs, Colwyns, Beaverbrooks, Tom Jones's, Wilsons, pass unseen through the pages of power. But the pursuit of these personalia is only the gossip of the subject, and not the subject itself.

Those who know Dr Jennings's *Cabinet Government* know that he can be a worthy representative of the older ideals of solid and permanent description. Here, as he says himself, he is writing about the British Constitution 'primarily in relation to existing conditions'. In thus securing a vivid actuality for his treatment, Dr Jennings would be the first to admit that he is running certain risks. Some of the numerous illustrations from events hot from the oven, concerning which we have no more than journalistic knowledge of causes and intentions, may, in the course of time not far ahead, take on a different complexion as knowledge grows and the background settles. But Dr Jennings's book is not a textbook for examinees; it is a work intended for wider circles, and current assessments of still throbbing events, combined with the constitutional changes they seem to portend, are not only provocative, but, coming from so shrewd and experienced a judge, are provisionally most instructive.

So devastating a social upheaval as this war involves must mean considerable constitutional developments too, and a survey of the latest position as from which they must take place is a public service.

PREFACE TO THE THIRD EDITION

Apart from incidental alterations, the following are the main changes in this edition:

(1) Part of Chapter I has been rewritten to allow for the alterations made by the Representation of the People Act, 1948.

(2) In Chapter II I have added a new section on The Non-Voters, whose importance was not sufficiently stressed in the previous edition.

(3) In Chapter IX paragraphs relating to the new Parliament Bill have been inserted.

(4) In Chapter V some paragraphs have been rewritten in consequence of the Commonwealth Conference of 1949.

(5) In Chapter VI the experience of the Labour Government has been drawn upon.

(6) Much additional material in the co-ordination of defence, defence supplies and economic policy has been added to Chapter VII.

(7) Chapter VIII has been deleted as of no great current interest. The details will be found in the new edition of *Cabinet Government*, which is in the press.

(8) The criticisms of Mr Baldwin's "confessions" which were included in Chapter IX (now Chapter VIII) have been reformulated in the light of the facts disclosed in Mr Keith Feiling's *Life of Neville Chamberlain*.

Those who like statistics may welcome the information that the number of amendments, varying from one word to several pages, is 155.

W. I. J.



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ENGLISH INSTITUTIONS

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THE BRITISH CONSTITUTION

Third Edition



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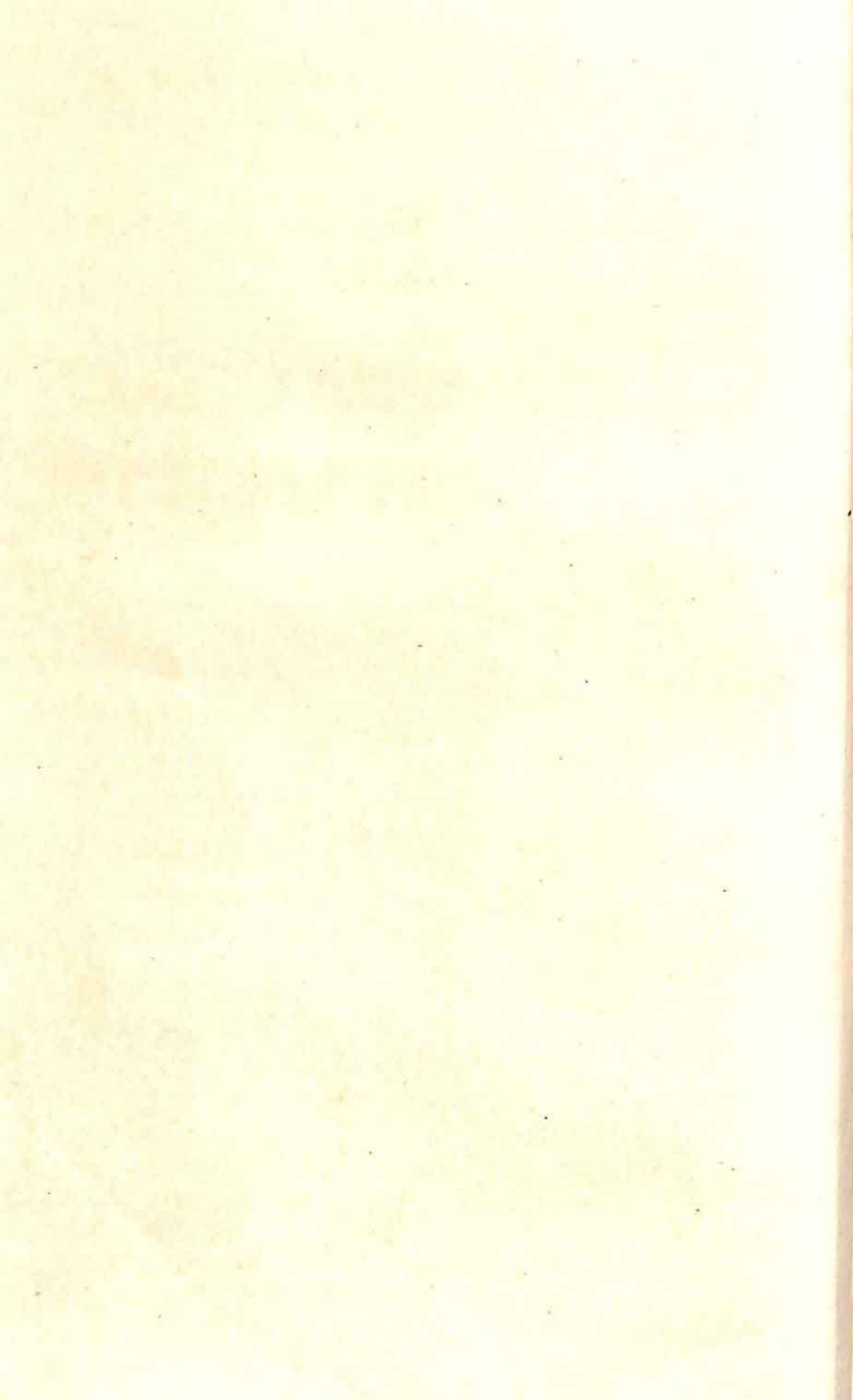
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GENERAL EDITOR'S PREFACE

(To First Edition)

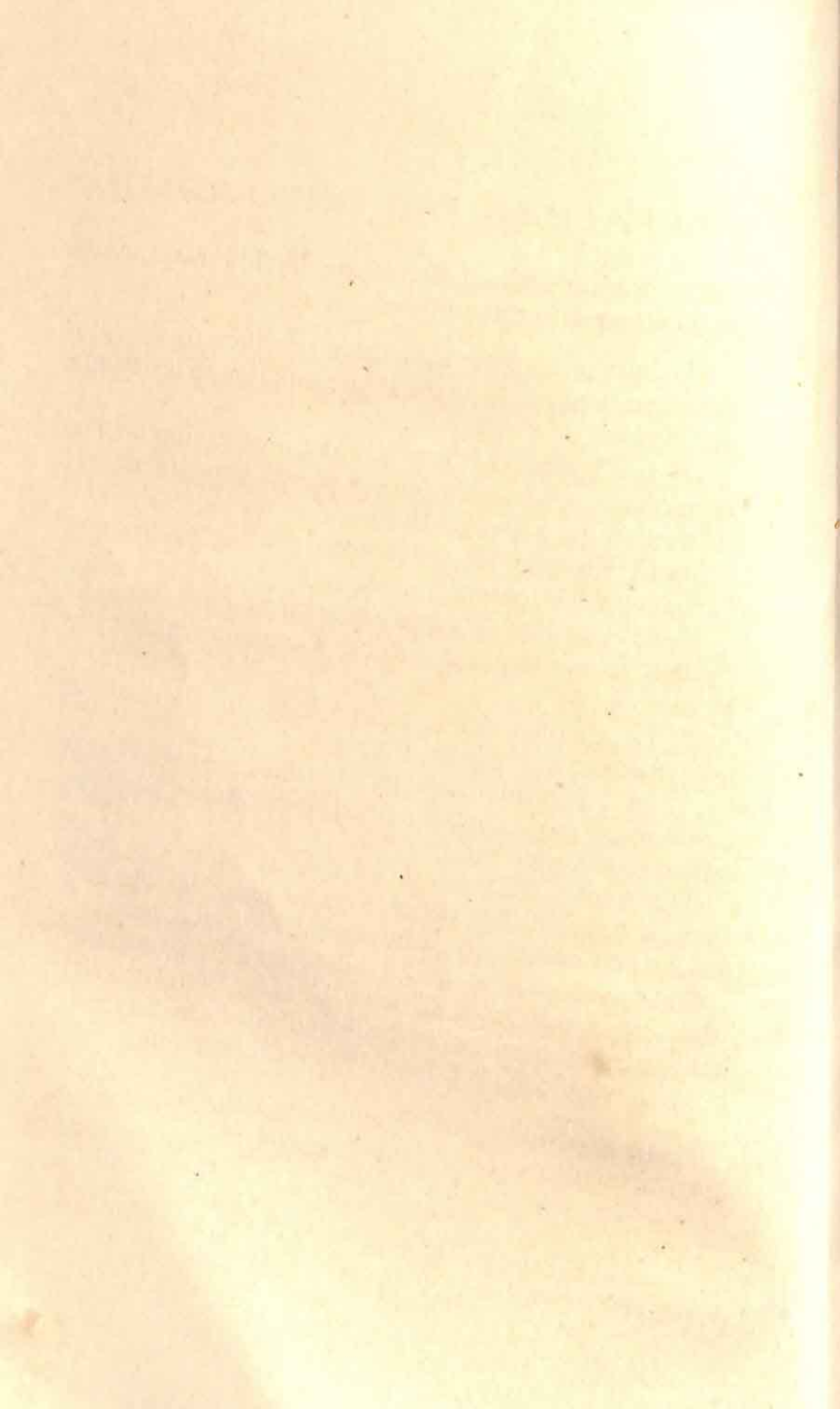
There were many writers upon the British Constitution before Walter Bagehot, but they were mostly lawyers and detached observers of structure, whereas he, with his daily contacts with Ministers and Government Departments, saw motive and method from within. He was sensitive to the differences between theory and practice, and the regularity with which outmoded practice became newly accepted theory. He gave the subject at once the actuality of the finest journalism and yet brought it for the first time under the scientific discipline of analysis and established causation. He fitted it too to be an item in an academic curriculum. Fortunately for us, he did not wait, like Courtney, to reach his seventies before garnering the fruit of a long experience of government from within, but his forty years of age were ripe with accumulated impressions. Books on this subject then came out at long intervals and each in turn was absorbed as the authority for its decade. To-day they pour from the press, mostly by professional and professorial observers of government from more or less detached angles, most of them excellent in their own field, and each contriving, owing to the greater width and richness of the subject-matter, to present novel aspects and original comment. Bagehot spoke of the main difficulty of his task as involved in the fact that the object "is in constant change, a 'living' thing", which must be seized for a static picture at some point of time. Courtney, also, said the unique characteristic of our constitution is that it is subject to constant and continuous growth and change. "It is a living

organism, absorbing new facts and transforming itself." But modern writers do not dwell much on this difficulty of movement—it is taken for granted and circumvented by the issue of books at much more frequent intervals. They do, however, insist more and more on the search for the true dominants of action, and with a kind of political psycho-analysis try to discover the real springs of change.

One need not be surprised that foreigners find this subject baffling. But one of the best informed and most penetrating studies of our constitution that has come from a foreigner also emphasises not so much rapidity of change, as this deceptive appearance of form. Karl Heinz Abshagen—for ten years resident in England, and a correspondent of German newspapers—in his *King, Lords and Gentlemen* (1938), says that "a satisfactory account of the peculiar play of the forces which, behind the façade of parliamentary forms, actually determine the course of British policy, would have to be written by one of the men who are themselves an element in these operative forces". But he suggests that many of the men playing an important part may be actors in either principal or lesser roles without dreaming that they are playing any part at all—"they exercise their power unwittingly and so with a complete lack of self-consciousness". This may be an over-emphasis, but it serves to show the change in the objective. To-day the writer is tempted to disbelieve every outward form and to say "That is only how it is *supposed* to work: this is how it *appears* to work and, therefore, there must be some other way in which it actually *does* work", and he thus aims at a subjective penetration of the whole subject. The reader tends to get into the same frame of mind—in fact, an American friend declared he judged the merits of a book on British Government according to its power to give "the low-down on the high-spots".

Formerly, the difficulty was to extract the permanent from the transient, or to convey a sense of orderly growth in a fixed description. This evidently does not impress Abshagen who, on the contrary, associates our democratic constitution more with the notion of permanence. He says that British democracy is the only Governmental system in Europe that has passed through the tempests of the last forty years with no fundamental modification. It is a reality not so much because of careful observance of democratic forms and parliamentary usage, as because of the great *potential* influence of public opinion in every decision of major importance. And most modern writers, though not thinking of relative permanence, strike the same note. It is the ultimate sovereignty of public opinion which is the keystone to the Constitution.

But how public opinion is formed or developed and which parts of the formal constitution influence it, and how it is made articulate, are subjects of much greater complexity, with room for illustrations of all kinds. Mr Keynes once described (*A Revision of the Treaty* 1922, p. 4) the two opinions of to-day—"not as in former ages, the true and the false, but the outside and the inside". Then he found there were really *two* outside opinions—"that which is expressed in the newspapers and that which the mass of ordinary men privately suspect to be true". It is no part of a study of the British Constitution to develop the social psychology of the formation of opinion. But the parallel development of readiness to act, somewhere inside this machine, is of the heart of the subject. When opinion has been gradually "becoming ripe", who in this complicated constitutional society gets or gives the final shove that puts new policy into the programme? It may be a violent correspondence in *The Times* affects Ministers directly; a pertinacious series of questions in the House; a con-



PREFACE TO SECOND EDITION

A writer on constitutional problems must deal either with history or with actuality. This book is of the latter variety. It was written near London during the Battle of Britain. The preface, which was dated 6 September 1940, mentioned that "the last words of this book were written during an air raid warning, and the drone in the distance indicated the approach of enemy aircraft". There is indeed a reference in the last Chapter to presents dropping from the skies. Inevitably the Constitution surveyed was that of Britain at war, and Mr Neville Chamberlain was given a more prominent place than he will obtain in history. On the other hand, the British Constitution in war is not fundamentally different from the British Constitution in peace. It has seen too many wars to need much adaptation. There is little in the substance of the book which needs revision after six years. There have been a few changes of law and some slight changes of practice; mainly, however, it is the emphasis that has changed—we have a new Labour Government struggling with post-war problems, not a new Coalition Government preparing for the invasion that never came. The problem which faced me in preparing the book for republication was, therefore, whether to let the text stand and add a new introduction, or on the other hand, to make the incidental alterations which would bring it into closer conformity with the post-war world. I have chosen the latter because I found that the alterations could be made without changing the character of the book or affecting its readability. There is still an emphasis on war-time problems, but since those problems are still fresh in the reader's mind it is right that they should be emphasised. Some day, perhaps,

Departmental boundaries. Even if no other Department is affected, the Treasury is almost certainly interested. On purely inter-Departmental matters, the Departments would try to reach agreement. If they found themselves unable to agree, the Prime Minister might act as arbitrator and co-ordinator. In the last resort there must be appeal to the Cabinet. In fact, however, inter-Departmental questions are generally of a Cabinet order in any case.

Nor is there anything to prevent a minister from raising a question which does not affect his Department. The examples cannot be frequent, but they can be found. Joseph Chamberlain had opinions about most things. He did not think that his functions as President of the Board of Trade prevented him from discussing Home Rule with Parnell. Nor did he think that, as Colonial Secretary, he had nothing to do with social reform. Any minister may have views about foreign policy. Above all, the Prime Minister exercises a general oversight of the policy of the Government. He can no longer follow Peel's example and keep in touch with the work of every Department, but at least he must watch that ministers do not go joy-riding with Departmental policy.

Questions of this nature are, however, usually thrust upon the Cabinet by the logic of the political system. They are to be found in the party programme at the last election; or they are raised in the House of Commons; or they arise because some foreign power, or some section of opinion at home or in the Commonwealth, takes action which makes them urgent. Once a week foreign affairs are the first item on the agenda, Foreign Office despatches are circulated daily, and, if some urgent question is raised, it is inevitable that the Cabinet should deal with it. Moreover, the House of Commons can raise any matter to Cabinet rank by

making enough fuss about it. The Cabinet may prefer to let sleeping peers lie, but if a few members of the other House insist on debating the reform of the House of Lords, the Cabinet must decide either to do something or to do nothing. The Ministry of Food may be entirely satisfied with the "ground-nut scheme", but the Opposition can keep the question on the Cabinet agenda. Here once more we meet that close relation between government and public opinion which needs to be stressed so often. Public opinion can rouse Parliament and Parliament can rouse the Cabinet. The Prime Minister determines the Cabinet agenda, but in large measure external forces determine what the Prime Minister shall place on it. Moreover, the Cabinet's primary concern is to keep itself in office, and its decisions must therefore keep pace with opinion.

In normal times the Cabinet meets for two hours each week during the session, and less frequently out of session. This is hardly more often than in the reign of Queen Anne. It is able to get through its business for several reasons. In accordance with the general tendency, more decisions are taken in the Departments, and the Cabinet dislikes having referred to it questions which are not of the first order. There is, too, better organisation of its work. Since the full Cabinet was restored in 1919 it has had a Secretariat, which produces an agenda under the Prime Minister's control and circulates documents where the Departments do not undertake to do so. The Cabinet usually insists on having a proposal documented, so that it can be considered beforehand and so that conclusions on it can be reached quickly. Moreover, it insists that no question shall be presented to it until it has been fully discussed between the Departments concerned. In other words, inter-Departmental discussions are conducted between the Departments or the ministers concerned, and do not

when recent events have faded from memory and have passed into history, a more thorough revision will be necessary.

There is, too, another reason. The book has been much read overseas. It was one of the first four books chosen by the British Military Administration for translation into German. It has been published in America in a Spanish translation. It has found readers East of Suez where vast constitutional developments are taking place. One who is helping to build a University in a country which has chosen for itself an adaptation of the British Constitution cannot fail to recognise that his overseas readers want to know how Britain is governed now, not how it was governed six years ago.

W. IVOR JENNINGS

UNIVERSITY OF CEYLON

COLOMBO

2 July 1946

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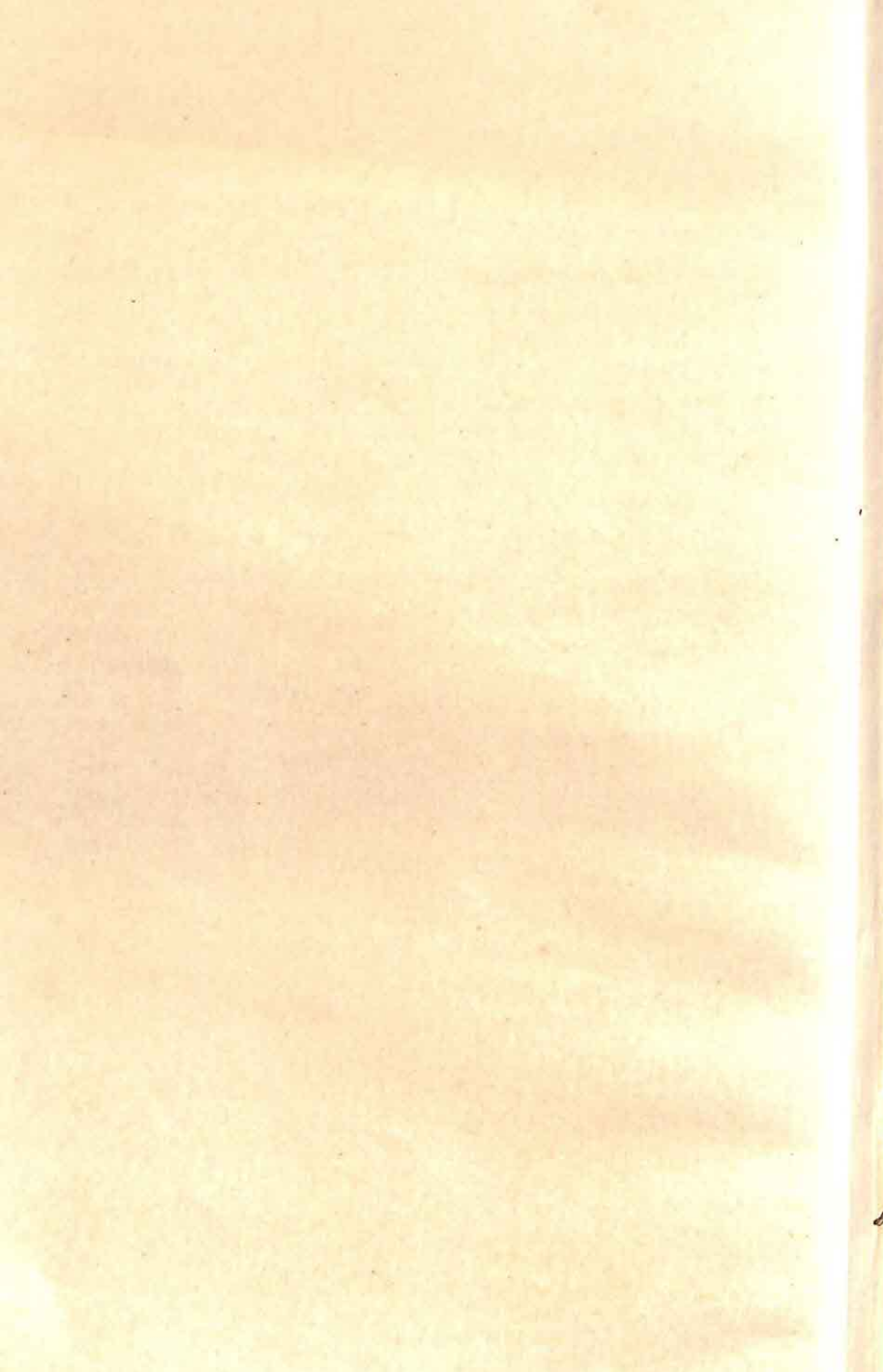
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GOVERNMENT BY THE PEOPLE

§ 1. *We, the People*

In one of the least prudent of his speeches, Joseph Chamberlain used a phrase which has become historic. He was defending proposals made by the Unionist Government but opposed by the Liberals for the making of additional grants to members of the Royal Family. That in itself was enough to anger the Liberals, for Joseph Chamberlain the Unionist was now supporting what Joseph Chamberlain the Radical had opposed in almost republican speeches. Stung by Opposition taunts, he jeered at "honourable members who profess on all occasions to speak for the People with a capital P". He went on to say: "These honourable members tell us it is a shameful thing to fawn upon a monarch. So it is; but it is a more shameful thing to truckle to a multitude." Truckle to a multitude? The Liberal party was not likely to forget that phrase and there must have been hundreds of platforms from which Liberal speakers for the next decade reminded "the People with a capital P" what Joseph Chamberlain thought of them.

In doing so they were falsifying his character. Chamberlain more than any Unionist statesman of the late nineteenth century except perhaps Lord Randolph Churchill recognised the need to bow to public opinion—to truckle to the multitude. He had come into national

politics at the head of a popular movement in Birmingham; he had inspired the "unauthorised programme" of 1884 because he believed that the people wanted something more positive than the Liberal leaders were offering them; later on, he restrained Lord Milner's ardour for war against the Transvaal until he was sure that the larger section of public opinion had been convinced of the inevitability of a conflict; and one of the reasons for his raising the banner of "tariff reform" after 1900 was his belief that the Unionists, who had snatched a majority in the "khaki election", would be heavily defeated next time if they did not capture the electors' imagination. That he proved to be wrong in his choice of remedy does not prove that his diagnosis was faulty.

In this respect Chamberlain was more in tune with the spirit of the Constitution after 1884 than any of the leaders of the Liberal party, not excepting Gladstone. He was far more the democratic politician than the retiring and unapproachable Lord Salisbury, who led the Unionist coalition from Hatfield House. He realised that the Constitution had become democratic, and that the public opinion with which ministers were concerned was now represented not by the gossip of the clubs of Pall Mall and St James's Street but by the opinions of skilled workers in the factories of Birmingham and the mines of South Wales. Essentially the task of a politician was to persuade the "People with a capital P" to give him and his policies their support.

The most obvious reason for the change was the progressive extension of the franchise. People who have the vote have to be persuaded. It must be remembered, however, that the process of persuasion can be intelligent only if the people are intelligent. If they are so ignorant of political problems that they can be stampeded by slogans or specious promises or allegations of unknown terrors, or if they do not see that acquiescence in bribery

and corruption is to take part in a conspiracy to establish tyranny, a wide franchise is merely an invitation to corrupt demagoguery. It would be easy to produce examples from other countries, and readers of *Mein Kampf* will be aware that the technique of the Nazi party, before Hitler obtained power, was based on the assumption that people were sheep who could be driven anywhere by lies and corruption. In Great Britain, this problem has never attained considerable proportions because the franchise in fact lagged behind political education, and the difficulty has been that whole sections of the population capable of taking part in democratic government have until recently been excluded from it. There have been a few examples of attempts to produce a mass stampede; but direct bribery and corruption have been abolished simply because it is too costly and difficult to corrupt a wide and intelligent electorate.

It is not too much to say that, in Great Britain, government by opinion, or "truckling to a multitude", arose because of the extension of political education rather than because of the extension of the franchise. A vocal opinion can mould policy even where it cannot be expressed on the hustings or in the ballot box. For instance, nothing could be more unrepresentative than the so-called representative system in Scotland between the Union in 1707 and the first Reform Act in 1832. The Scottish members of the House of Commons were chosen by corrupt oligarchies, usually under the control of the King. Accordingly, the Government had the forty-five Scottish members in its pocket. Since the Government was chosen on account of conditions in the House of Commons, where the English element was dominant, it might be assumed that in the eighteenth century the inevitable consequence of the Scottish franchise (laid down, be it noted, by the Scottish Parliament before its demise) was a permanent injustice to Scotland. The

contrary was the case because, though the Scottish members were always "King's friends", they were also Scots. The price of their continued allegiance was justice to Scotland. It was not they, however, who determined what was justice to Scotland, but the vocal opinion of Scotland: and this was very wide, because the Presbyterian system in the Kirk had taught large numbers of the Scottish people to argue about and take part in the consideration of public questions, and generally the educational system (under the influence of the Kirk) was far better in Scotland than in England (where the Church was antagonistic to education and was itself a close oligarchy). The Scottish artisan, for instance, had influence on British policy in relation to Scotland long before the English artisan had any influence on British policy in relation to England.

Nevertheless, there were signs even in England towards the end of the century that a wider political education was developing. Pitt won his election in 1784 not merely because all the electioneering resources of the Crown were placed at his disposal (including the forty-five Scottish seats), but also because the spectacle of the great Chatham's son defying a parliamentary majority appealed to the middle classes, enfranchised and unenfranchised alike. Wilberforce deliberately appealed to the "conscience" of the unenfranchised middle classes in order to force the abolition of the slave trade through a Parliament where the West India interest was strong. The Whigs were induced to adopt reform in 1830 simply because there was a vocal public opinion which demanded it. Cobden and Bright, in their attack on the Corn Laws, went even further. They appealed to the working classes, who were still not enfranchised but who were beginning to have opinions of their own, with the result that, at the moment of famine, a majority for repealing the Corn Laws was found in a Parliament most

of whose members had been elected to maintain them. The explanation of these and many other examples is that no person ever thinks out public policies from first principles. He does not collect all the literature from Plato and Aristotle onwards in order to find out whether there should be a limitation of the hours of work in a factory. The member for a pocket borough was, of course, concerned primarily with the opinions of his patron; but both patron and member had their opinions formed for them by contact with others. What was said in the tap-room in the county town was of far more direct importance than anything in Adam Smith; though something of what Adam Smith said became the talk of the saloon bar when the price of corn went rocketing upwards.

Naturally, when a large section of opinion becomes politically conscious it begins to demand the franchise as a right. Soon the opinion prevails, as it prevailed in 1832, that an extension of the right to vote is necessary. If at that time a political party thinks that it can secure advantage by adopting the public opinion as its own, the result will be a Reform Act, again as in 1832. Nevertheless, the immediate result of such an Act is not very great. None of the franchise reforms of the nineteenth century produced an immediate change in the membership of the House of Commons or in the policies of parties. If the balance of power is shifted, as it was in 1832 and 1867, there are ultimate effects, though they are incalculable because opinion is shifting at the same time. The importance of the changes in the franchise has, however, been overemphasised. It was at least equally important that throughout the nineteenth century the working classes were becoming politically conscious. Education in the academic sense was spread very slowly, partly of course because the middle-class oligarchy felt that education was dangerous to their political supre-

macy—it is one of the difficulties of the extension of democracy that democracy cannot extend without education and that it is difficult for education to extend without democracy. More important, however, is the fact that what may be called political education developed ahead of academic education. Political education is possible even among an illiterate population. The critical discussions in presbyteries was probably more important than the direct educational activities of the Presbyterian Kirk. In England and Wales the work of the Church schools and the dissenting academies began to spread downwards, though it never went very far or very deep until the State assumed control. More was done, in fact, by the very practical training produced by mechanics' institutes, the working-men's clubs, the trade unions and the co-operative societies. The effect of these influences was cumulative, because ordinary social intercourse is the most fruitful means for the spread of ideas. Perhaps the Anti-Corn Law League addressed only a minority of the population, but its ideas spread around the factories and were the common talk of the pubs. The cotton operative who could read what Disraeli said to Gladstone was the source of information, no doubt garbled, for a dozen. The progress of political education by these means during the course of the nineteenth century is obvious to anyone who has studied something of its history.

Universal education, a popular press and the wireless have now provided Great Britain with what is, comparatively, an instructed electorate. It is true that few electors have any expert knowledge of anything outside their own jobs: but this is as noticeable in the college common-room as it is in the factory. Nor has our educational system given equal opportunities to all classes. What is needed, however, is not so much knowledge as plain common sense, the ability to seize the

point of an argument when it is presented in an elementary fashion. If the State had to decide nice points in the theory of knowledge or consider the composition of matter, it could do no more than leave the question to its philosophers and scientists. Fortunately, the general questions of public policy are not of this order, and for those aspects of it, such as the precise relationship between a currency and its gold backing, which are, the ordinary individual usually has enough sense to rely on the experts. There is of course a possibility that attractive and specious arguments on technical matters—such as the nature of credit—will induce the common man to override the expert in the expert's own field; but, generally, the ordinary man will not listen to a complicated argument, and he is more concerned with the ends than the means.

Nor must it be thought that public opinion considers policy from a wholly detached and impartial angle. The ordinary individual is concerned with the general tendency as it affects himself, his family and his friends. A little political education soon convinces him that he has an interest in the welfare of the community as a whole, and in any case there is a mass of sentiment which induces altruism. The income-tax payer may rush to pay his tax because he thinks that the interest of the community requires it; the old age pensioner may send a shilling to the Chancellor of the Exchequer. Volunteers for the public service, at considerable loss and inconvenience to themselves, can always be obtained. Similarly, the individual considers the welfare of the community when he casts his vote: but he considers it in the background of his own interests. The landowner thought that the Corn Laws provided the backbone of the State, while the industrialist considered that they hindered the increase in the State's wealth and, of course, in his own. In the last resort, most people are prepared

to sacrifice their own interest for that of the community; but often they see no reason why they should not gain what they can, and perhaps even more often they assume that their interest and the interest of the community are one. It is to be expected that a business man will object to the transfer of his profitable business to the State, though it is not inevitable that he should object to the transfer of other businesses—for instance, the banking business. It is equally to be expected that the worker should be anxious for higher wage rates and better conditions in his own trade, though not necessarily in other trades—because the effect may be to increase the cost of living. In practice, however, business men combine in trade associations for their mutual protection, and workers combine in trade unions for their mutual protection. This being the dominant conflict of opinion in ordinary times, the result is shown in the support of different political parties. The alignment is never precise, however; and, in particular, not all the workers are agreed that the policy of the Labour party is that best suited to the interests of the country and of themselves. In addition, there is a large body of individuals outside the two interest groups, sometimes moving in one way and sometimes in another.

Nor must this or any other cause necessarily produce irreconcilable opposition. Great Britain is a small island with a very homogeneous population. People do not think of themselves primarily as English, Scots or Welsh. The sting has long ago been taken out of religious controversy. The population is so closely interdependent that there is little economic agitation on a regional basis, as there sometimes is in a large country like the United States. There are class divisions and (what is often the same thing) economic divisions, but they are not wide or deep. We are a closely-knit economic unit, with a large measure of common interests and a long patriotic

tradition. Consequently, the elements of agreement are much more important than the elements of disagreement. There is always a common public opinion which has agreed about principles, and the divergences are more about methods than about objects.

It is, nevertheless, over these differences that political debate ranges. The Constitution must provide some means for their resolution. The classic theory of democracy assumes that, because the differences are in the main the consequences of divergences in individual interest, the only way to resolve them is to take the majority opinion. The argument need not be based on "the greatest happiness of the greatest number". The intelligent individual realises that the whole is greater than the part, and that the majority gains more from the collaboration of the minority than from its suppression. Moreover, majorities become minorities and, if there is a tradition of suppression, become the victims of tyranny in their turn. What is asserted is that one man's opinion on public policy is no better than another's. The expert knows only a little about something, and is no more entitled to decide a general policy than any other person.

This is the argument for the principle of "one man (or woman), one vote". It was not fully carried out until 1948, when the university constituencies were abolished and the right of a person to vote in a constituency in which he had a "business premises qualification" but did not reside was taken away. The law is now very simple: "The persons entitled to vote . . . in any constituency shall be those resident there on the qualifying date, who, on that date and on the date of the poll, are British subjects of full age and not subject to any legal incapacity to vote."

§ 2. *The People's Choice*

A wide franchise is not the sole test of democracy. Nazi Germany had and the Soviet Union has wide franchises. The cardinal factors of British democracy are that the character of the British Government depends essentially on the results of the last general election, that there must be a general election at least once every five years (except in war-time), and that the electors have a choice exercised freely and secretly between rival candidates advocating rival policies. These facts are significant in themselves; they differentiate British democracy from the so-called democracy of the Soviet Union and from the autocratic systems of some other countries. They are even more important in their consequences. The Government stands or falls by the result of a general election. Every member of the House of Commons must seek re-election in not more than five years. Every action of the Government is done with close attention to the movements of public opinion in the country at large, and every time a member of Parliament casts a vote in the House of Commons he considers the movement of opinion in his own constituency. Nor is this all, the general election produces not only a Government but also an Opposition. Facing the Prime Minister in normal times is the Leader of the Opposition; opposite the Treasury Bench, where sit the members of His Majesty's Government, is the Front Opposition Bench, where sit the leaders of His Majesty's Opposition. The Leader of the Opposition is the alternative Prime Minister; only a slight shift in public opinion is necessary to give His Majesty's Opposition a majority in the House and so to convert them into His Majesty's Government. The result is to make the Government and the House very sensitive to public opinion. We have government by the people not merely because the people

exercises a choice freely and secretly at short intervals, but also because it follows from that fact that the whole machinery of government—the House of Lords in part excepted—is keyed to public opinion. This fact will become more apparent as our exposition proceeds. For the present it is necessary to examine this popular choice, to find out how real and effective it is.

There must be a general election at least once every five years, because the law so provides. From 1715 to 1911 the maximum duration of Parliament was fixed at seven years. When the powers of the House of Lords were reduced in 1911, however, the maximum duration of Parliament was reduced to five years, because it was thought that, the effective powers of the House of Commons having increased, the majority ought to secure a renewal of its "mandate" more frequently. This rule is, however, a rule of law; and like every other rule of law it can be altered by Parliament. Unlike other rules of law, however, it cannot be altered by the House of Commons alone, because the Parliament Act, which enables the House of Commons to overrule the House of Lords after a delay of two years, specifically excepts laws extending the maximum duration of Parliament. Such a law therefore needs the consent of the House of Lords as well as of the House of Commons. In the House of Lords the Conservative party has a large permanent majority. Consequently, a Labour or Liberal Government with a majority in the House of Commons cannot extend the duration of Parliament without the consent of the Conservative Opposition. A Conservative Government with a majority in the House of Commons, or a Coalition Government (such as a "National" Government) supported by the Conservative party, would be in a more advantageous position. It would be politically very dangerous, however, to pass such a law without a very good reason. Unless it had

the mass of the electors behind it, the Government would present a valuable propaganda weapon to the Opposition. Some of its supporters in the House of Commons might vote against it, and it would probably lose seats at bye-elections. Even if it maintained its majority during that Parliament, its "unconstitutional" action would be one of the great arguments against it when ultimately the general election arrived, and it is possible that it would then be almost annihilated by the electors.

The British Constitution provides no check against a Conservative Government which really intended to go "authoritarian", because a Government which has majorities in both Houses can do what it pleases through its control of the absolute authority of Parliament. It is possible that the King might intervene and exercise some of his dormant legal powers. Subject to this, we always run the risk, because we have no written Constitution limiting the power of Parliament. Even a written Constitution, however, is but a slight check—as Hitler showed in Germany—and the foundation of our democratic system rests not so much on laws as on the intention of the British people to resist by all the means in its power—including sabotage, the general strike, and if necessary civil war—attacks upon the liberties which it has won.

In fact, the duration of an existing Parliament has been extended only in extreme conditions. The Parliament of 1715, which was due to expire in 1718 under the Triennial Act of 1694, prolonged its own existence to a maximum of seven years because the Jacobite Rebellion had only just been put down, and it was feared that the conditions necessary for a free election might not be obtained. The Bill was strenuously opposed by the Opposition, but there appears to have been little opposition in the country. In any case, the conditions of to-day, under a democratic

franchise, are very different. The Parliament of 1911, which was due to expire in January 1915, prolonged its life by a series of Acts until 1919—though it was eventually dissolved in November 1918—because of the conditions of war. There was then a Coalition Government in office with the support of the three main parties, and there was no effective opposition to it in either House. The Parliament of 1935 was continued from 1940 to 1945 by annual Acts and so became the longest Parliament since the seventeenth century. Again there was war and again a Coalition Government.

The Parliament Act fixes the maximum duration of Parliament at five years. It does not provide that a Parliament must last for so long. The King, who for this purpose invariably—or almost invariably—acts on the advice of the Prime Minister, may dissolve Parliament at any time. Elections are usually held more frequently than every five years. Not only does a Government defeated in the House of Commons, like the Labour Government of 1924, normally appeal to the people, but so does a new Government formed as a result of internal dissensions—such as the Conservative Government formed in 1922 through the resignation of Mr Lloyd George's Coalition Government, and the National Government formed in 1931 after the resignation of the Labour Government. Moreover, a Government which desires to set out upon a new policy will and ought to appeal for a "mandate", as Mr Baldwin appealed for a mandate for Protection in 1923. Finally, a Government naturally chooses the moment for an election most favourable to its own prospects. If it allows Parliament to expire, it may have to conduct its electioneering while it is passing through a period of temporary unpopularity. Consequently, Parliament is usually dissolved well before the expiration of its normal life. For these reasons, during the twenty years' peace between 1918 and 1939, we had not

five elections but seven in 1918, 1922, 1923, 1924, 1929 1931 and 1935—and we should probably have had another in the autumn of 1939 if the war had not broken out.

Theoretically, the elector votes not for a Government but for a member of Parliament. Until 1832 the House of Commons represented in theory the “Commons” or Communities—the counties and boroughs or, in Scotland, the burghs. Though there were exceptions, most of them had two members and each elector had two votes. As democratic ideas developed in the nineteenth century this arrangement, which paid no attention to size of electorate or population, was considered to be unfair, and so the Reform Act of 1832 enfranchised some large towns which were not boroughs, disfranchised some towns which were boroughs, and gave one seat only to some of the smaller towns. In 1868 there was an even larger measure of “redistribution”, and in 1885 the theory of “communal” representation was in large measure given up, by dividing the counties and county boroughs into single-member constituencies. There were still some exceptions, because boroughs which had two members both before and after 1885 remained as two-member constituencies in which each elector had two votes. If they still had two seats in 1918 they remained two-member constituencies even after the redistribution then effected; and it was only in 1948 that the principle of “one man, one vote” was consistently and completely applied.

The change was so long delayed not only because of the innate conservatism of English political institutions but also because there was a case for “communal” representation. To take one example at random, a constituency which consists of “the Bablake, Foleshill, Holbrook, Radford and Sherbourne wards of the county borough of Coventry”, is really not an entity at all. It has no justification for being represented in



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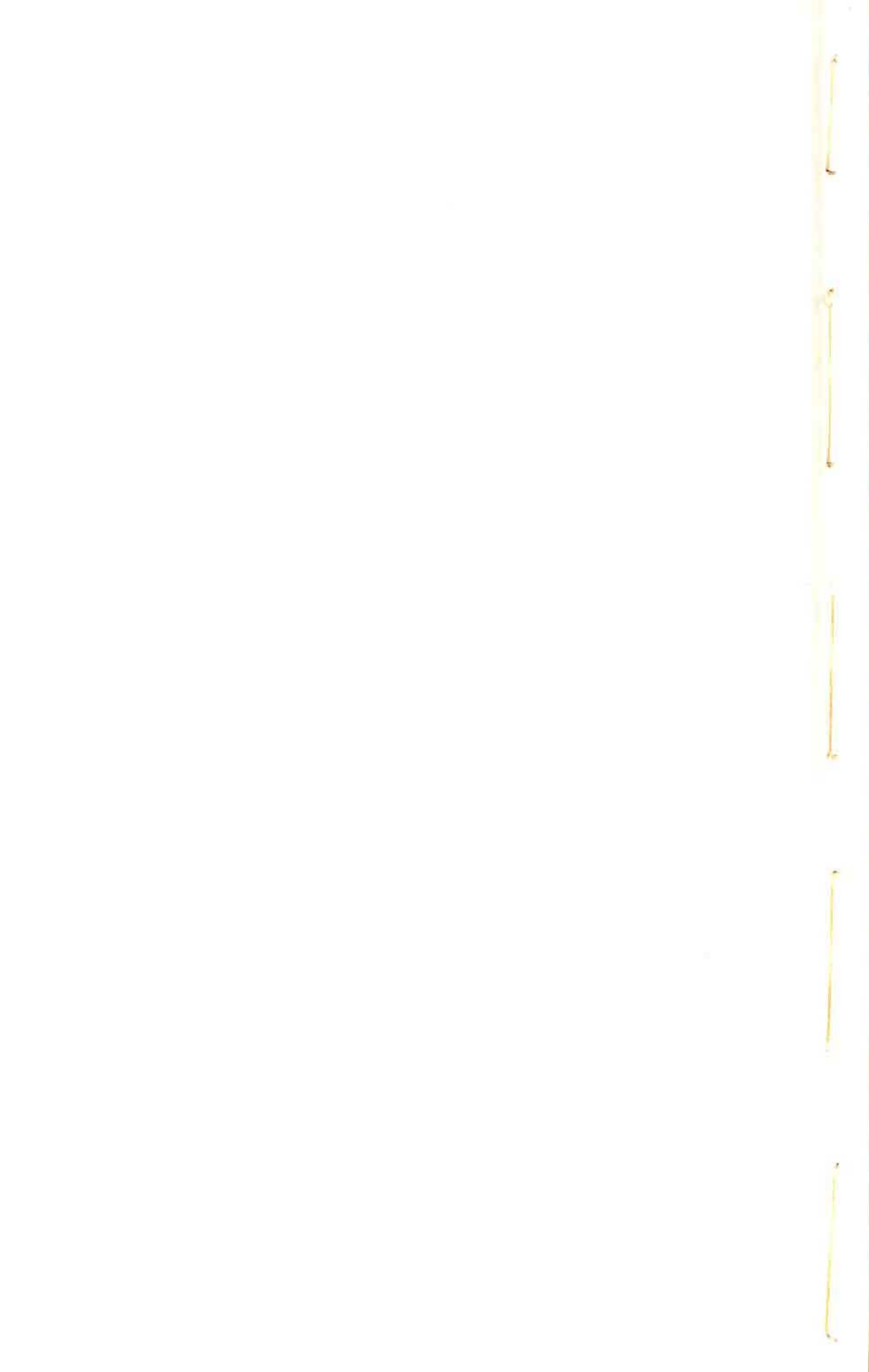
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Parliament. It is simply a convenient collection of people for getting a member elected. On the other hand, Coventry as a whole is a social, economic and (we hope) cultural unit, with peculiar characteristics which ought to be represented in Parliament. The weakness of this argument is, however, twofold. First, it is no longer true that our towns and counties are represented in Parliament as entities, or would be if they were not divided. Our problems are national problems and any member who kept talking about Coventry would be a bit of a bore. The members who represent Coventry may never have lived there; perhaps one or two of them (privately) would express the view that there were few places less attractive than Coventry. To be sent to represent Coventry is no doubt an honour, but the member's primary purpose is not to represent Coventry but to vote according to his conscience, his party, or his chances of getting re-elected. In other words, Britain, unlike the United States and some other countries, has nationalised its politics. It should however be pointed out that this is not only a cause of single-member constituencies; it is also one of their consequences. Most of our Members of Parliament do not represent any special local patriotism but vote according to national policies. What is more, they are not required to reside in or to have any connection with their constituencies.

Secondly, as party politics developed on modern lines it was seen that the multi-member constituency was unfair. If a two-member constituency contains 35,000 Whigs and 25,000 Tories and if each elector casts two votes on party lines the constituency will return two Whigs. If it is divided into two constituencies, one of which contains 20,000 Whigs and 5,000 Tories, while the other contains 15,000 Whigs and 20,000 Tories, it will return one Whig and one Tory. Nor is this a fanciful example, for many of our towns have areas which are

socially and economically and therefore politically differentiated. It used to be said, with conscious exaggeration, that the Conservatives were to windward of the Liberals, and it is still true in most cities that the West End is Conservative. If, however, our example were typical the Tories could never win a single seat unless they captured 5,000 Whig votes, and then they would win two seats.

The examples already given show the importance of "distribution". They also show how unlikely it is that parties will agree either on the principle or on the practice. Some countries, in fact, have a tradition of "gerrymandering", which includes not only distributing seats so as to favour the party in power but also drawing boundaries so as to win seats. The example given above may be taken to illustrate this problem. If there are 35,000 Whigs and 25,000 Tories and the Tories are mostly in the West End and if the town is divided by a line drawn north and south, it will return one Whig and one Tory. If, however, the same town is divided by a line drawn east and west it will return two Whigs.

It says much for the gentlemanly character of British politics that an attempt is usually made to secure agreement, though it must be added that most party managers take care not to be too compromising and that it is helpful to have the House of Lords and the House of Commons in opposition. In 1918 there was a Coalition Government in office and redistribution was effected by agreement, the boundaries being drawn by commissioners presided over by Mr Speaker. In 1944 there was again a Coalition Government, which produced both a short-term plan (which was carried out in 1945) and a long-term plan. The long-term plan was modified by the Labour Government, which was accordingly accused by the Opposition of gerrymandering. Both in 1944 and in 1948, however, the boundaries were drawn by commissions. Also, the law now contains permanent pro-

visions for Commissions, whose task is to redistribute seats at intervals of not less than three years nor more than seven years. The number of seats for Northern Ireland is fixed at 12, and the number for Great Britain is to be not substantially greater or less than 613, of which not less than 71 are to represent Scotland and not less than 35 are to represent Wales. Accordingly, the House of Commons will be kept at approximately 625, and changes will be made as population shifts. It should however be pointed out that this Act can be amended by Parliament and that the Conservative Party has stated that it does not regard itself as bound by this arrangement, which varied the scheme agreed in 1944.

The single-member constituency has the advantage that it is comparatively small and enables the member to establish personal contact with large numbers of his constituents. They feel that he is their member, and he feels a personal responsibility for their welfare. It is, however, fallacious to assume that normally the electors vote for an individual. Very few of them know anything about the candidates except their party labels. The British political system differs from many other systems in that the local member is rarely the "favourite son" of the constituency. The nineteenth century used to speak of "carpet-bagger" candidates—candidates who came down to the constituency with their "carpet-bags" at the beginning of the campaign, put up at the local hostelry for a few weeks, and then went back either cheerfully to Westminster or dolefully whence they came. The term has dropped out of use, not only because carpet-bags are no longer seen, but also because nearly all candidates are carpet-baggers. They have been chosen from lists submitted by the appropriate political bodies. It is true that a Welsh constituency insists upon a Welshman, and that many Scottish constituencies insist on Scotsmen. It does not often happen, however, that Muddleton is

represented by a Muddletonian. The elector does not look round among his acquaintances to find out which of them is best capable of representing him in Parliament. He learns his politics in political discussion at home, in the factory, in the club; he reads the newspaper which gives him the best racing tips or which panders to his other (or his wife's) tastes, and comes to conclusions about prominent politicians and their policies from the news which it gives; he listens to the political leaders on the wireless; and he then decides which party (if any) shall receive his support.

The qualities of the candidate therefore have little to do with his choice. A very good candidate may pick up a few hundred votes by assiduous "nursing". If by chance a prominent Muddletonian does get selected, he may obtain even a couple of thousand votes which are cast for him and not for his party. A courtesy peer who has a handsome or gracious wife may be able to capitalise the snobbery of the back streets. These factors may prove important in a few constituencies, but generally speaking it is the party label that matters. This statement can be proved not merely by common experience, but also by analysis of the voting in the double-member constituencies which existed before 1948. Brighton, for instance, was represented by two members, and each of its electors had two votes. It may be assumed that one of the two Conservatives was more able, more popular, more persuasive than the other. Accordingly, if the electors voted for the man rather than for the party, there ought to be a substantial difference in the votes cast for the two candidates. Actually, we find that (with rare exceptions) the two Conservatives, the two Liberals and the two Labour candidates in any double-member constituency were within a couple of hundred votes of each other. That is to say, the electors had made up their minds according to the policies of the parties, and not

according to the personalities of the candidates. There are occasional exceptions, and it is then invariably found that one of the candidates has some strong local "pull". For instance, he may come from a family which has been prominent in the locality for generations, or he may be a popular employer of labour in the town, or he may be a trade-union leader who has made a name for himself in national politics. This special quality may gain him an extra two thousand votes, and in some constituencies two thousand votes would be important. The number of such candidates is, however, few; and if their local "pull" is to be of any use, the constituency must be one in which the parties are almost equally balanced—because in most constituencies two thousand votes is a small proportion of the total. These conditions are not present in the great majority of constituencies. The representation of a "safe seat" is determined by the choice of the local party committee. The representation of the more doubtful constituencies is determined by two factors only, the general balance of political opinion, and the choice of the local party committee. In almost all cases it is the label and not the candidate that matters.

The consequences are important. For instance, it places a very great public responsibility upon the local party committees. For our present purpose, however, the point of interest is that the situation minimises the value of the single-member constituency. The real purpose of the election is not to give Muddleton a representative, but to enable all the Muddletons together to choose a Government by choosing a majority in the House of Commons. Individuals in Muddleton want some representative to put their special complaints to ministers—John Smith wants to know why he has not had a pension; Herbert Thomas thinks that "the means test man" has not given him enough National assistance; the Chamber of Commerce wants a late delivery of

letters; the local trades council thinks that some assistance should be given to local industry—but any active member can do this, and he need know very little about Muddleton. What is important is that the single-member constituencies shall produce the right balance of political forces. Actually, this is just what they often fail to do.

In the first place, the minority in a constituency is completely unrepresented, except so far as the electors of that party secure majorities in other constituencies. In 1945 both Cambridge Borough and Cambridgeshire returned Labour members, their combined vote being 38,385. In both cases the majority was small, and the Conservative candidates polled 37,659 without getting a seat. On the other hand, in East and West Sussex 86,000 Labour voters did not obtain one seat. Taking the country as a whole, 12,000,000 Labour voters secured 393 seats, or one seat for 30,000 votes, whereas the Conservatives and their allies secured only 217 seats for 10,000,000 votes, or one seat for 46,000 votes. This result was the reverse of that in 1935, when the "National" Government obtained one seat for every 29,000 votes and the Opposition (Labour and Liberal) obtained one seat for 60,000 votes.

The consequence is that representation in the House of Commons may give a totally inadequate picture of the state of opinion in the country. The general impression which most people have of the general election in 1918, for instance, is that Mr Lloyd George's Coalition swept the country with such slogans as "Hang the Kaiser", "Make Germany Pay", and "A Land fit for Heroes to live in". The Coalition Government had 525 supporters in the House of Commons, while Opposition parties had 181 (including 73 from the Sinn Fein party, which was over-represented). If each party had been represented proportionately, however, the Government would have had 395 supporters and the Opposition 311 supporters.

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The actual majority for making Germany pay, and the rest, was 344; it ought to have been 84. It is possible to assert, and it has been asserted, that the Treaty of Versailles would have been very different if Mr Lloyd George had not had so many "hard-faced colonels" watching his every movement and protesting vehemently at every suggestion of clemency to the defeated enemy.

This is a serious accusation, and one which could not have been made so strongly if the House of Commons had not rejected certain of the proposals of the Speaker's Conference on whose main recommendations the new franchise laws of 1918 were based. The Conference had agreed that in every single-member constituency the alternative vote should be used. This means that the elector, instead of plumping for one candidate by putting a cross against his name, would place the candidates in order of preference. If no candidate secured an absolute majority, the first preferences given for the lowest candidate would be ignored, and the second preferences distributed. Suppose, for instance, that in counting the first preference the following result had been obtained:

Cholmondeley (Co.Un.)	25,000
Cadbury (Lib.)	20,000
Jones (Lab.)	15,000

We may assume that most of the Labour voters had given the Liberal candidate as their second choice; but suppose that 2000 had chosen the Coalition-Unionist and 3000 had not given a second choice at all. The result would then be:

Cadbury (Lib.)	30,000
Cholmondeley (Co.Un.)	27,000

This result is alleged to be fairer, because a majority of the electors preferred the Liberal to the Coalition candidate.

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In addition, the Speaker's Conference proposed that large towns with more than two representatives should be formed into single constituencies, and that voting should be based on the principle of proportional representation by the single transferable vote. As in the case of the alternative vote, each voter would mark the candidates in order of preference. The difference is, however, that whereas under the alternative vote system each voter has one vote for one member, under proportional representation there would be at least three members, and each elector would have only one vote, which would be transferred in the order of his preferences.

Let us suppose that a town which, under a single-member system, would have returned three Coalition candidates had formed a single constituency under proportional representation. The first preferences might be divided as follows:

First Count

Cholmondeley (Co.Un.)	85,000
Cadbury (Lib.)	65,000
Berkeley (Co.Lib.)	50,000
Jones (Labour)	45,000
Fry (Lib.)	20,000
Chamberlain (Co.Un.)	15,000
	280,000

Three members have to be elected; and there are 280,000 votes. If any candidate receives 70,001 votes he *must* be elected, because $3 \times 70,001 = 210,003$. The fourth candidate would thus have at most 69,997 votes. Accordingly, Cholmondeley has 14,999 votes to spare, and if we want to give equal value to every vote, we must divide this surplus among the other candidates. Taking now Cholmondeley's *second* preferences, we find them divided among the other candidates in a certain pro-

portion. Dividing 14,999¹ votes in that proportion, we reach the following:

Second Count

Cholmondeley (Co.Un.)		70,001
Cadbury (Lib.)	65,000 + 200	= 65,200
Berkeley (Co.Lib.)	50,000 + 1000	= 51,000
Jones (Lab.)	45,000 + 100	= 45,100
Chamberlain (Co.Un.)	15,000 + 13,599	= 28,599
Fry (Lib.)	20,000 + 100	= 20,100
		280,000

On this second count, no candidate except Cholmondeley gets 70,001, so we must take the bottom candidate and divide up his second preferences (or the third preferences of the 100 people who voted for Cholmondeley first and Fry second). The result is as follows:

Third Count

Cholmondeley (Co.Un.)		70,001
Cadbury (Lib.)	65,200 + 14,000	= 79,200
Berkeley (Co.Lib.)	51,000 + 5000	= 56,000
Jones (Lab.)	45,100 + 500	= 45,600
Chamberlain (Co.Un.)	28,599 + 600	= 29,199
		280,000

Cadbury has now more than the quota, so we distribute his surplus votes as we did for Cholmondeley, with the following result:

Fourth Count

Cholmondeley (Co.Un.)		70,001
Cadbury (Lib.)		70,001
Berkeley (Co.Lib.)	56,000 + 4000	= 60,000
Jones (Lab.)	45,600 + 5000	= 50,600
Chamberlain (Co.Un.)	29,199 + 199	= 29,398
		280,000

¹ For simplicity of exposition, it is assumed that each voter makes a full list of preferences. Actually, many would prefer simply to vote for one member, or for Coalition members or Liberal members only.

This time, Chamberlain must go, so we divide his votes according to their next preferences, and reach this conclusion:

Fifth Count

Cholmondeley (Co.Un.)		70,001
Cadbury (Lib.)		70,001
Berkeley (Co.Lib.)	$60,000 + 29,000 =$	89,000
Jones (Lab.)	$50,600 + 398 =$	50,998
		<u>280,000</u>

The final result is, then, that this constituency, which would have been represented by three Coalition members if it had been divided up, is represented by two Coalition supporters and a member of the Liberal Opposition. Moreover, a slight increase in the popularity of the Labour party would have given Jones a quota and would have secured his election instead of Berkeley.

This system was recommended by the Speaker's Conference, but it was rejected by the House of Commons. It was restored by the House of Lords, which however rejected the alternative vote. Eventually the two Houses reached a compromise under which both the alternative vote and the single transferable vote disappeared, except that the single transferable vote was retained for the university constituencies returning two or more members. There was also a provision by which commissioners were to prepare a scheme for the election of one hundred members on the principle of proportional representation. No action was ever taken on it, and it was repealed in 1927 as obsolete.

The alternative vote and proportional representation are at first sight so attractive that the case for them appears to be unanswerable. It may be noted that if proportional representation is good for the towns, or for one hundred constituencies, it is good for the whole country, and in that case there is no need for the alternative vote, which is admitted to be a device less satis-

factory than proportional representation. There is, however, this qualification, that towns are compact constituencies, whereas some rural constituencies cover large areas. For proportional representation to work effectively, there ought to be at least three members to a constituency, so that, for instance, Inverness, Ross and Cromarty, and possibly Caithness and Sutherland as well, would form a single constituency covering between two and four million acres.

Let us first consider the alternative vote. Its first result would be to encourage three-cornered or four-cornered contests, because a candidate who could not hope to win on a majority or a plurality¹ would hope to win on second preferences. To come down to practical politics, it would have encouraged the Labour party to put up more candidates before 1914, because Labour candidates would expect to receive the second preferences of Liberal voters; and it would have encouraged the Liberal party to put up more candidates since 1918, because Liberal candidates would expect to get the second preferences of both Conservative and Labour voters. In the second place, and as a consequence, the occasions on which the Government had not a majority in the House of Commons would be more frequent. It is possible that no party would have had a majority in 1922, 1923, 1924 and 1929—though of course there would have been more elections, because the Conservatives would probably not have had a majority in 1924.

In the third place, it would demand bargains between the parties before an election and, if it resulted in no party having a majority, bargains in the House or else Coalition Governments. There would be, too, bargains between individual candidates and a process of angling for second preferences by means of election pledges.

¹ This convenient American term is used to cover the case of a candidate who is elected because he has most votes, but not an absolute majority of the votes.

This was described in 1918 as "log-rolling". In one of the debates in the House of Commons, Sir George Younger showed what would have been the result of the elections of 1910 if there had been compacts between the various parties, and the electors had obeyed party requests as to the distribution of their second preferences. It is much more interesting to take the election of 1929, where more than half the members secured election on a plurality. The result may be tabulated as follows:¹

	Cons.	Lib.	Lab.	Others	Government
Actual result	260	59	287	9	Labour (minority)
Cons.-Lib. "deal"	368	76	162	9	Conservative
Cons.-Lab. "deal"	291	19	276	9	Conservative (minority) or Coalition
Lab.-Lib. "deal"	112	139	354	9	Labour

This is far too simplified to be accurate: many electors would refuse to follow the party decision; and the working would be complicated by local "deals". The table does show, however, that elections might be determined not so much by the electors as by the party managers.

In the fourth place, the alternative vote system equates the second preferences given by those who voted for the candidates with fewest first preferences, with the first preferences given to the others. Clearly, a first preference is more important than a second preference. The result is to secure the election not of the candidate who is approved by the largest group, but of *one* of the candidates who is not seriously objected to. This is shown by dividing out the second preferences in the case of each candidate in turn.²

¹ Where the "deal" would not have applied, the actual result is taken.

² Thus

(1) First preferences only:

Cholmondeley (Cons.)	20,000
Cadbury (Lib.)	15,000
Jones (Lab.)	10,000

In one of the House of Commons debates, Sir F. E. Smith (afterwards the first Lord Birkenhead) said that the previous speaker had given sixteen reasons against proportional representation. Some of the reasons usually stated against it can be dismissed in a few words. It clearly requires multiple constituencies, and thus would sometimes necessitate constituencies large in area. On the whole, however, the United Kingdom is densely populated, and multiple constituencies even in the north of Scotland would be small compared with some of the single-member constituencies in Canada or Australia. Again, it is argued that the contact between members and constituents would be less close—undoubtedly it would be, but this is not very important, partly because the elector really votes for a party, and partly because, in many cases, he would be able to communicate with a member with whose politics he sympathises. The two Communist members in the present Parliament really charge themselves with the complaints of all Communists in the country, and many electors write to members belonging to other constituencies, simply because they would rather write to the devil than to their own member. Another objection is that proportional representation is too complicated—but it is complicated for the returning officer, not for the voter, who merely

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| (2) Divide Jones's second preferences: | |
| Cadbury (Lib.) | 23,000 |
| Cholmondeley (Cons.) | 22,000 |
| (3) Divide Cadbury's second preferences: | |
| Cholmondeley (Cons.) | 29,000 |
| Jones (Lab.) | 16,000 |
| (4) Divide Cholmondeley's second preferences: | |
| Cadbury (Lib.) | 33,000 |
| Jones (Lab.) | 12,000 |

The only certain result is that the electors do not want Jones. Under the alternative vote system Cadbury is elected, but only one-third of the electorate really wants him to be elected. In actual practice, of course, the result would be determined by "log-rolling".

has to write numbers against the candidates' names. Finally, proportional representation cannot be applied to bye-elections; but that is no reason for not applying it to general elections.

Proportional representation has, however, one consequence, which can be regarded as good or bad according to one's point of view. Our present system helps to maintain the two-party system; and when that system breaks up, as during the growth of the Labour party, it is a strong force towards compelling its return. Whether this is desirable or not depends on whether the two-party system is good or bad. Reasons are given in the next chapter for suggesting that it is good; but many disagree, particularly those who belong to middle parties which are being crushed out. It is significant that, while the Liberal party has favoured proportional representation consistently since 1918, neither the Conservative party nor the Labour party has given any support—though opinion was very divided in 1917–18, when party lines were fluid, and some Conservative and Labour members supported the Proportional Representation Society.

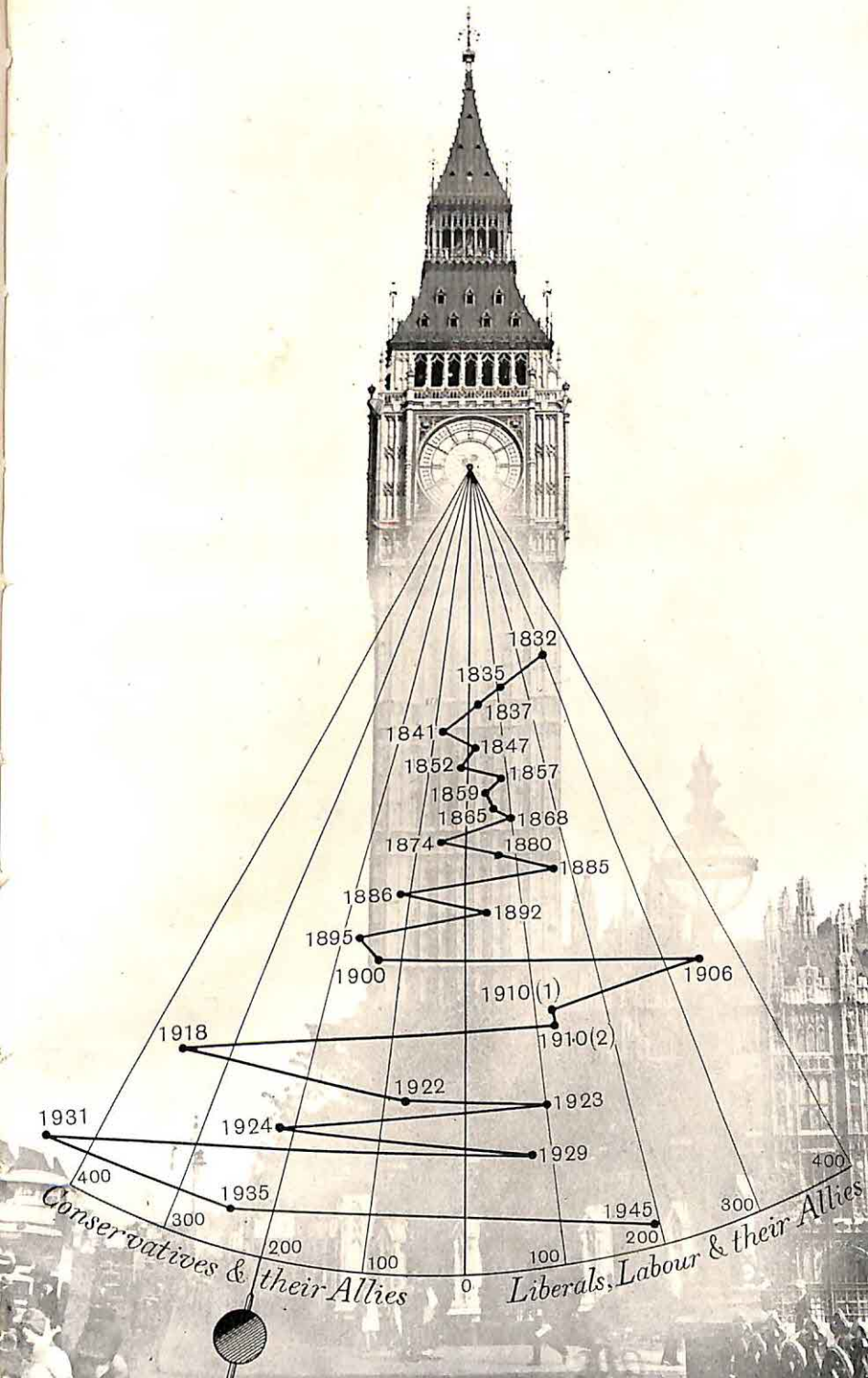
In order to be elected under the present system, a candidate must secure the highest number of votes. If he starts with a party "label" he is certain of the party votes. The elector has made up his mind to vote for one party or another. What he is doing in fact is to choose that party which he wishes to see forming a government. In 1945 his choice lay between the National Government and the Labour party. No other party had enough candidates to secure a majority and, of 25 million votes cast, over 22 million were cast for the Government or for the Labour party. The elector has one vote, and he naturally wishes to use it to support the existing government or to put another in its place. This is partly the cause, but mainly the consequence of the two-party system. Because the elector wants to help choose a

government, therefore he votes for the government or the chief opposition party. But he wants to help choose a government because we have the two-party system and because he has only one vote.

If his vote is transferable, however, other motives come into operation. He not only wants to bring one party *in*; he also wants to keep one party *out*. Thus, most Conservatives would prefer a Liberal to a Labour member: and most Labour voters would prefer a Liberal to a Conservative. Accordingly, three-corner fights would operate to the benefit of the Liberal party. The result might be—it probably would have been at any election since 1918 except that of 1931—that no party would have a majority. Moreover, this would not be a temporary phase, as we thought it in 1924 and 1929, but a permanent feature. Once this had happened, and we had departed from the two-party system, the electors would no longer vote for a government but for a group. The main buttress of the two-party system would be destroyed, and not only would later preferences be distributed, but so would first preferences. Further, the groups would not be limited to the Conservative, Liberal and Labour parties. Any section of opinion which could secure enough preferences in any constituency—and electors would vote according to their special interests and not according to their view as to what government should be in power—would put up a candidate. Proportional representation has therefore been described as a movement for the encouragement of “sects”. Our present system induces sectional opinions to find representation within a party, or to secure their acceptance by members of both parties. Under proportional representation they would be the basis of separate parties.

We should thus have a House of Commons divided not into Government and Opposition but into *blocs*. Every government would be a coalition. Moreover, it

would not be the kind of coalition which we had in 1918-22 or 1931-39. The parties in those coalitions have had separate organisations, but they have fought elections as units. The government candidatures have been divided up by agreement among the parties. A Coalition Liberal did not oppose a Coalition Unionist; nor did a Liberal National oppose a Conservative. Under proportional representation we should have much less stable coalitions, without electoral pacts, except on a temporary basis. The elector would vote for candidates or parties not, as he does now, for a government.



GOVERNMENT BY PARTY

§ 1. *The Polity of Parties*

John Stuart Mill wrote a book on *Representative Government* without mentioning parties. A realistic survey of the British Constitution to-day must begin and end with parties and discuss them at length in the middle. There are some who deplore the influence of parties. They assert that the tasks of government are too urgent and complicated to be the subject of partisan controversy. They would wish Parliament to be a "Council of State" to consider, free from party bias, the nature of the problems that beset the community and the solutions that might be devised to meet them. They want to pool the intelligence of the nation, not to divide it into two parts by the parliamentary gangway. They dislike debate when action is what is required. They urge statesmen to "pull together", and not to have bow side cry "forward", while stroke side cries "back".

It is an attractive picture. The difficulty, to continue the rowing metaphor, is that there is no agreement as to who shall be cox. One cannot expect either side to pull with a will if cox announces his intention of steering the boat over the weir: and the difficulty in politics is that there are different views as to where the weirs are to be found. The assumption upon which democracy is based is that inevitably there are differing views as to the

policy which a State should follow. No honest man is entitled to assume that one policy is better than another; all that he can say is that he thinks that one is better. It will generally be found that the critic who asserts that parties are unnecessary has a belief in the rightness of his own opinion so profound that he does not realise that it is a partisan opinion. He wants a "Council of State" to carry out his policy. The true democrat has a suspicion that he may not always be right. He is therefore tolerant of other people's opinions. Moreover, since there is no court of appeal by which a controversy can be determined, he acquiesces in the system of counting votes. A majority may not be best capable of determining what is good for humanity, but it is probably better able than the minority to determine what is good for the majority; if the majority is also tolerant, it will not in the process injure the minority more than it can help.

Tolerance in this country is a principle of long standing. It has developed gradually from the struggles of the seventeenth century. It has been carried out in the laws; but it is still more an attitude of mind. It is, however, not tolerance alone that makes democratic government work. With us, the majority is not permanent. It is based upon differing views of personal and national interest, views which are susceptible of change and, in a sufficient number of persons, do change from time to time. Not only do opinions fluctuate, but they fluctuate sometimes violently, and the "swing of the pendulum" is a familiar feature of British politics. Consequently, parties can and do appeal to reason. Majorities are unstable, and the Opposition of to-day is the Government of tomorrow. This important fact must not be forgotten, for it enables the minority to submit peacefully and even cheerfully to the fulfilment of the policy of the majority. It would be quite different if the minority

were always a minority, if it were liable to oppression by the majority, and if in no circumstances could its views prevail.

Political parties founded on factors which are not matters of opinion are a danger. I can be Conservative to-day and Socialist to-morrow. Both parties angle for my support, and therefore are careful of my interests. Apart from the fact that toleration extends to Jews as to Gentiles, a government will not oppress Jews so long as Jewish voters support both parties. Similarly, there will be no "injustice to Scotland" so long as Scots vote Conservative, Liberal and Labour and not Scottish Nationalist. If, however, Englishmen vote for an English party and Scots for a Scottish party, either Scotland will be oppressed or the Union will be destroyed. To say this is not necessarily to blame the Irish; the Irish movement arose while there was discrimination on the ground of religion; and it does not necessarily follow that the Union ought to have been preserved either in respect of Ireland or in respect of Scotland. All that is implied in the present argument is that the party system will not work unless it is based on factors of opinion which can change. A Conservative Government might persuade me to become a Conservative overnight. It cannot change my ancestry, my language, my caste (if I had one), my religion, or even my economic status.

Nor does it follow that these factors are not important in the choice of party. We shall see that some of them have had profound influence on the development and bias of the British parties: but no party capable of forming a government has been founded essentially on any unchangeable factor or on any combination of such factors. British parties are catholic in the true sense. Neither in their organisation nor in the implications of their policy have they excluded any person from supporting them, on grounds of ancestry, religion or even

economic status. The Conservative party is not all capitalists, nor is the Labour party made up entirely of workers.

This catholicity has enabled the parties to be wide in the scope of their policies. Each party contains members and attracts supporters of differing opinions. It has enabled us to differentiate between opposition and obstruction. The Irish Nationalist party obstructed because it insisted on its own programme. Other parties oppose because they want to appeal to the people to support their own programme. Only occasionally—as with the Parliament Bill of 1911 and the Trade Unions and Trade Disputes Bill of 1927—does a British party obstruct; and it does so then because the party in opposition believes that the Government is taking an unfair advantage of its temporary majority. It is not true, therefore, that the parties are pulling in different directions. Only one party is pulling, and the other is merely criticising. The Opposition warns; and in warning it seeks to change opinion. It says that certain consequences will follow; if these consequences do follow, and they appear undesirable to a few hundred thousand electors, the Government will be overthrown and policy will be diverted along different lines.

Moreover, this same catholicity, this fact that Government and Opposition appeal to a few hundred thousand electors, produces the consequence that the actual division of opinion is not very precise. There are fundamentally opposed views in the House of Commons, but they are generally not majority opinions on either side. Bagehot long ago pointed out that the differences between Liberals and Conservatives were not great. It is true that he was writing only twenty years after Peel had adopted Cobden's policy by repealing the Corn Laws, and only a year or so after Palmerston governed the country with the tacit consent of the Conservative party.

There have been issues which have fiercely divided the country, like Home Rule in 1886 and the Parliament Bill in 1910. Yet a Conservative majority gave Home Rule and much more to Ireland, and Bonar Law sat at Asquith's right hand before the Parliament of 1910 expired. Nor has the rise of the Labour party and the demand for socialism made much difference. We are all collectivists now. Sir Stafford Cripps does not agree with Lord Beaverbrook, but there is much less difference between Mr Bevin and Mr Eden. On this subject more must be said; but it is part of the explanation of the fact that the British party system does not prevent government. It makes it more consonant with public opinion.

No doubt parliamentary opposition slows up the governmental machine. It would be easier to carry out a policy if it were not subject to criticism. The time between decision and the first stage of execution is much longer than in a dictatorship, except when rapid execution is really urgent—and then the British machine is the most rapid in the world, for quite different reasons. It is often said that a democracy necessarily works more slowly than a dictatorship. It must be remembered, however, that the process between the discovery of the initial fault or complaint and the remedying of that fault is necessarily a complicated one. It has come up through the official strata until it reaches the point at which a decision can be taken. There follows the period of decision (which may be longer with a single dictator than with a Cabinet). Then comes the issue of the necessary orders; and finally there is another process of percolation through the official strata until the remedy is applied. The process is much the same in all countries. If there is a legislature, however, it sometimes happens that no orders can be issued until legislation has been passed; and here the party system may interpose delay. The other parts of the

procedure may, however, be shorter; and generally they are shorter in Great Britain than they were in Germany, for example. Moreover, the parliamentary system has the great advantage that a particular fault may be brought to the top stratum by a question or a debate in Parliament. The German citizen could reach Herr Hitler only through an immense bureaucracy. Any British subject can reach the Cabinet at once through his member. Further, the policy decided upon depends in all countries upon the currents of public opinion. In a dictatorship it is most difficult to ascertain them, particularly if the press is muzzled. In Great Britain opinion is vocal, and primarily in Parliament. The Cabinet, so to speak, goes to Parliament every afternoon and asks if there are any complaints; and at once from the Opposition there arises a chorus of "Yes, Sir".

§ 2. *The Character of the Parties*

British parties, like the British Constitution, have a long history. Like the British Constitution, too, they have drawn from that history traditions whose influences are of deep importance. A constitution is not a framework of laws, but a tissue of dynamic relationships. A party does not consist of members and a programme, but a whole complex of traditions, loyalties and ideas. Government, as British people understand it, cannot be studied as anatomy, but as biology. The division of opinion which gave rise to parties is commonly dated from 1660, but it really arose out of the Reformation. The Tory party was for centuries the "Church party", the party which emphasised the unity of English Protestantism in the Church of England against the religious anarchy of the "sects". The two sections of opinion could combine against papacy, as they did in the revolutions of 1642 and 1688, but they parted as soon as

papacy was no longer an issue. Moreover, the differences of Churchman and Puritan became, through the revolution of 1642, the differences of Royalist and Republican, or Cavalier and Roundhead, or Prerogative and Parliament. The Tory party supported "Church and King", the Whigs religious toleration (except for papists) and Parliament. The revolution of 1688 weakened the Tories because, though they supported it in their opposition to papacy, its principles caused a conflict between Church and King. The Whigs regarded the revolution as their own because it established the supremacy of Parliament. The Tories found their allegiance divided between the Hanoverian head of the Church and the papist "King across the water".

The decline of religious fervour among the upper classes, the defeat of Charles Edward Stuart at Culloden, and the accession as George III of a Hanoverian who "gloried in the name of Briton" rallied Toryism. The Younger Pitt began as a Whig, but became in effect leader of the Tories when he was made Prime Minister in 1784. The basis of the modern party division, however, was produced by the French Revolution. The conservative Whigs under the Duke of Portland joined Pitt "to maintain the Constitution and save the country". Burke, who led the way, became the philosopher of conservatism; and Charles James Fox and Charles Grey led, or failed to lead, the remnant of the Whigs in the defence of liberalism against the long conservative reaction. Pitt gave way to Addington, Addington to Grenville, Grenville to Portland, Portland to Perceval, Perceval to Liverpool, Liverpool to Canning, and Canning to the Duke of Wellington.

In this period conservatism obtained its association with imperialism. Pitt and Burke were for the French war, Fox against it. Antagonism to the war was, it was alleged, unpatriotic. So patriotism or imperialism

became the special attribute of conservatism. In the long contests with Napoleon and in the even more difficult contest with the social conditions produced by the war and the Industrial Revolution, patriotism and repression naturally went hand in hand. There was, indeed, another England. It had burst into politics from time to time, as in the Westminster election of 1780. For the most part, however, it was not represented in Parliament. It consisted not only of the new industrial proletariat and all the radicals from the writers of seditious pamphlets to the Benthamites, but also of the capitalists operating the developing factory system. These last were differentiated from the proletariat only by their growing wealth. They were, for the most part, nonconformist and therefore liberal. They disliked the restrictive laws that were designed to keep up rents and, therefore, the costs of production. They disliked even more the Church-going Tory councils controlling the towns that industry was causing to split their bounds. It was this England which compelled the Whig and Canningite (Tory) Government which at last came into power under Earl Grey in 1830 to introduce and carry the Reform Bill.

The new middle class did not at once come to power. The great Whig families were still predominant in the Reform ministry. It was not the Whigs, but Cobden and Bright and their manufacturing and farming allies in the Anti-Corn Law League who, assisted by a famine in Ireland, compelled Peel to repeal the Corn Laws in 1846 and split his party, the Peelites breaking away from the Tories.

The Whigs and the Peelites formed the Liberal party which governed almost without a break from 1846 to 1874. It took its liberalism from Fox and from the great band of propagandists who used their pens to fight reaction after Waterloo. Its free-trade principles and its individualism came from Adam Smith by way of Cobden

and Peel. Its dislike of "foreign adventures" was half suppressed so long as the Canningite Palmerston held sway, but became dominant when Gladstone's authority was enough to swing the balance to Cobdenism. Its social reform came from Bentham, though it was never very prominent at this stage.

Facing it was the Conservative party, carefully nursed by Disraeli after the surgical operation of 1846. The "country party", the country gentlemen whose names Disraeli rolled off in a succulent page of his *Lord George Bentinck*, were edged away from tariffs and rents and began to think in terms of royalties and building values. Disraeli (who had had a short political experience as a radical) knew about the other England which was still not represented, the England he described in *Sybil*, the England that hated the new poor law, which had for a time been attracted by the Charter, which had cheered Cobden's attack on the high price of bread. This "nation" had been the care of Lord Shaftesbury and other Tory philanthropists who sought to reform factory conditions against the resistance of the manufacturers who supported the Liberal party. The new paternalism which seemed appropriate owes less to Disraeli than is commonly assumed. It owes far more to administrators like Sir Edwin Chadwick and Dr Southwood Smith, who assisted the development of local services; and it owes even more to the forgotten councillors of Liverpool, Manchester, Bradford and Birmingham who drove this special legislation through an apathetic Parliament. Nevertheless, Disraeli "dished the Whigs" by extending the franchise to the better paid urban workers, and he made enough speeches on the social question to lay the basis for "Tory democracy". In one respect only did Disraeli carry on the Tory tradition. He took over from Palmerston the banner of "mighty England". He insisted that British opinion should count in the councils

of Europe. Under him British expansion proceeded in Asia and Africa. He left to Gladstone in 1880 a legacy of "little wars" and "prancing proconsuls" which the Liberals did not dispose of as the Conservatives would have wished.

In spite of this new Disraelian Conservatism, the division between the two parties was largely on an economic or "class" basis. This does not mean, and it has never meant in British politics, that the upper middle class was entirely Conservative and the lower middle class and such sections of the working class as had the vote were entirely Liberal. If it had been so the party system could not have worked. The general appeal of the Liberals was, however, to the manufacturers and the workers and to what was almost the same thing, the nonconformists. The Conservative party appealed to the *rentiers* and the Church of England. Two factors, however, somewhat changed the situation. As other forms of capital developed, the importance of landed property diminished. While the manufacturers were still in large part Liberal, the new class of financial organisers, especially those interested in banking, stockbroking, insurance and railways, tended to become Conservatives. The second factor was even more important. The scale of capitalist enterprise developed. The manufacturer like Bright or Cobden, who worked in his shirt-sleeves with his men, was replaced by the company director, who was separated from them socially as well as in the factory. Industry became "respectable". Moreover, the process created new classes, the accountants, clerks and other "black-coated workers". In the social changes which occurred, nonconformity lost some of its appeal among the manufacturers, but spread a little among the black-coated workers. At this period the "Nonconformist Conscience" still induced Liberal votes, and the Church was still associated with Conservatism. The religious

question (which was, in fact, not religious but social) lost its importance as the working class was enfranchised, because (in spite of efforts by the Evangelicals and the later nonconformists) the urban proletariat had as a whole never been harnessed by any religious body. The nonconformist conscience appears still to be strong in the Liberal party, and perhaps explains the devotion of the "Celtic fringe" to liberalism.

Home Rule completed the process of separating the parties along new class lines. Irrelevant though the issue may appear, it was a conflict between that element in liberalism which we should now call "self-determination" and the more strident nationalism which may be described (without necessarily any sinister connotation) as imperialism. It carried into the Unionist camp the last of the great Whig families under the leadership of a Cavendish, and henceforth "Society" knew few Liberals. It is true that Joseph Chamberlain went with the Whigs, presumably because his imperialism proved stronger than his radicalism; and his personal prestige was great enough to carry with him some of the radical elements in the Midlands. He thus reinforced the democratic element in the Conservative party, which had been growing since Disraeli.

The work of the Home Rule issue was strengthened by the Boer War, and the Liberal party which rose on the crest of the wave in 1905 was essentially radical. In the meantime, however, the Labour movement had come into existence. Essentially the product of the Reform Acts of 1867 and 1884, it had been made possible by the rapid development of trade unionism, especially after Disraeli's untrammelling legislation. This unionism was essentially non-political until the strikes of the 'eighties and the "judicial legislation" which found new restrictions in the common law induced sections of the movement to believe that political action was a necessary

ancillary to industrial organisation. The Liberal party had never paid much attention to the "condition of England", as Chamberlain saw when he developed the "unauthorised programme" in 1884. Moreover, the nonconformist movement had been essentially middle class and had hardly touched the workers of the towns. On the other hand, Disraeli's tradition and Chamberlain's influence were not enough to produce social legislation in sufficient quantity from the Unionist parties. The intellectualist movements represented by the Independent Labour party, the National Democratic Federation, and the Fabian Society were thus able to secure the collaboration of the trade unions, and the Labour party was born in 1899 and christened in 1906. Though not Marxist, it was definitely a "class" party, and it still relies mainly on working-class votes. Its base was broadened after 1920, however, and in any case it has never succeeded in obtaining the unanimous support of the working class.

Mr Lloyd George split the Liberal party not so much by replacing Mr Asquith in 1916 as by allowing the Conservative party managers to secure for their party a dominant position at the "coupon" election of 1918. The split weakened the party as a whole, while the Labour party by leaving the Coalition placed itself in a strong position to meet the inevitable reaction to the "khaki" election of 1918. For reasons mentioned in Chapter I, the electoral system established in 1918 further weakened the position of what had now become the "middle" party. Moreover, the decision of the Liberals to turn out the Conservatives and to support the Labour party in 1924, on the one hand made the Conservative party the real opponent of socialism, and on the other hand proved that the Labour party was the real alternative to Conservatism. The great Liberal effort of 1929 therefore failed, except in producing

another Labour Government. The depression of 1931 weakened the Labour party, but weakened the Liberal party still more. Putting up only 157 candidates in 1935, the latter could no longer claim to give the electors a middle path between conservatism (as represented by the National Government) and socialism. The election of 1931 also had the effect of transferring from the Labour party much of the middle-class support that it had obtained between 1922 and 1929. There was, however, a slow revival from the depression of 1931 and by 1939 the Labour party was making a new challenge. Though it joined Mr Churchill's Government in 1940, it kept its organisation intact and its powder dry. As soon as the German war was over it withdrew from the Coalition and obtained a large majority at the general election of 1945.

This rapid survey of history shows that the British parties do in fact represent different views of public policy. It is perhaps too much to dignify those opinions with the status of philosophies. Primarily, they are reflections of different economic interests. Those interests do not, however, prevent the existence of a very substantial "floating vote" which moves from side to side and thus determines, with the assistance of our electoral system, the results of elections. How large this floating vote is, nobody knows. Some say that it is a majority of the electors. Examination of the returns suggests, however, that it is not more than three million, and is probably less. In 1931 the Labour party can surely have obtained only the votes of the very faithful. It nevertheless obtained roughly 6,650,000 votes. In 1929, with few uncontested seats, it obtained about 8,390,000 votes and in 1935 it had 8,325,000 votes. Allowing for the fact that the pendulum had not quite swung over, that the Government vote had dropped, and that the electorate had increased, it is probably safe to assume a

floating vote of 2,500,000 (which counts as 5,000,000 on a swing over) in an electorate of 31,000,000. The number had, however, substantially increased by 1945 because there had been no general election for ten years and little political propaganda for six years. The Labour party then had 12,000,000 votes and the Conservatives 8,700,000, but it seems probable that much of the Labour support was from electors who had never voted before. Even so, a swing of a million votes at the next election would probably result in a Conservative victory.

What is more, the pattern of an election can be drawn with singular certainty before an election, Ulster is almost solidly Unionist and therefore Conservative. In Great Britain the rural areas, the residential suburbs and the seaside resorts are generally Conservative, though there has been a tendency for the wealthier agricultural areas—the adjective is significant—to go Labour. The solidly industrial areas contain a very high proportion of safe Labour seats. The election is lost and won in the “mixed” seats, which are generally to be found in the semi-industrialised areas on the fringe of the industrial areas, some of the smaller towns (i.e. the small industrial towns but not the county towns), and the lower middle-class areas of the large cities. In these “mixed areas” the votes can generally be classed according to streets: those who play golf vote Conservative, most of those who support the local football team vote Labour, and those who go out with their wives on Saturday afternoons belong to the floating vote. No doubt this is somewhat of an exaggeration, but it is the sort of generalisation made by election agents, who are usually right. The lower middle-class holds the key. If it swings to the Labour side we have a Labour Government, but between the wars it was generally Conservative and so, except for short periods, we had Conservative or Conservative-dominated Governments.

The best example is, perhaps, the City of Bristol, which is just large enough to have a differentiation of population. Bristol West is residential and is always Conservative: Bristol East is industrial and is always Labour: Bristol Central is commercial and industrial and was Conservative so long as the business-premises qualification gave the non-residential business men and their wives a large number of votes; but in 1945, when this element had virtually disappeared, it went Labour; Bristol South and Bristol North are mixed and therefore variable, but Bristol South is, on the whole, less wealthy than Bristol North and so is more often captured by the Labour party.¹ The County of London exhibits the same phenomenon on a larger scale. The West End, the wealthy suburbs, Holborn, Chelsea, the City and Westminster are always Conservative: the East End and the industrial areas along the river are always Labour: the mixed areas of the "Inner Circle" and the lower middle-class areas in the inner suburbs are variable—if they are mostly Conservative there is a Conservative Government, while if they are mainly Labour there is a Labour Government.

This survey makes clear the "class" basis of the two parties. It also shows that the lower middle class determines the results of elections. It will of course be realised that many wealthy persons vote Labour, many industrial workers vote Conservative, and many of the lower middle class are strong partisans whose party loyalties never waver. Also, there are other factors. For instance, the unorganised workers are less certainly Labour than the miners and the railwaymen, while the

¹ Under the 1948 redistribution Bristol has six seats. Judging by class distribution, the probable result would seem to be:

Central: Labour
North West: Conservative
South: Labour

West: Conservative
North East: Doubtful
South East: Doubtful

women appear to be less consistent than the men; also, there are sometimes local factors, such as the influence of the chapel in the strong Nonconformist centres and peculiar loyalties like that of Birmingham to the Chamberlains. It is nevertheless true that whichever party sways the most votes among the clerks, shop assistants and other white-collar workers wins the election. It carries the inner suburbs of London, Bristol North and South and similar areas in the large towns, and a majority of the smaller towns.

The truth of these tendencies is witnessed by the elections. In 1929 the Liberal party drew many of the lower middle-class votes and so enabled the Labour party to become the largest party, mainly by pluralities in three-cornered contests. In 1931 these voters tended to vote Conservative, and in any case there were fewer Liberal candidates. By 1935 the relics of the nonconformist conscience, added to what has been called "the League of Nations vote", tended to go to the Labour party, which thus took many of the white-collar workers and gained substantially, though it was still a minority. By 1939 it appeared that the Conservative and Labour parties were fairly evenly balanced, but the election was postponed owing to the war. In 1945 the great majority of the white-collar workers had turned Labour, and the Labour party won nearly all the mixed constituencies.

This summary exposition is of course very simplified; but it is not too much to say that whoever wins the white-collar workers, or the lower middle-class constituencies, wins the election. If in every constituency where the National Government candidate was returned on a majority or a plurality of less than 6000 in 1935 (and most of them were lower middle-class constituencies) 3000 voters had transferred their vote to the Labour party, that party would just have had a majority in the House of Commons. The total number of votes required

for this purpose was less than 750,000. It is therefore roughly true to say that in 1935 both parties were appealing for the support of 750,000 people, most of whom were white-collar workers. In 1945 the result was even closer. If in every constituency where the Labour candidate was returned on a majority or a plurality of less than 5000 there had been a transfer of 2500 votes from Labour to Conservative, Mr Churchill's Government would have retained a small majority. The total number of votes required for this purpose was less than 300,000. Accordingly it is roughly accurate to say that both parties were appealing for these 300,000 votes.

This fact is as well known to Conservative party managers as it is to Labour party organisers. Of course, in appealing for a particular section of the voters, a party must not lose what it has already gained. The Conservative party must not lose the farmers' votes, because if the National Farmers' Union put up its own candidates (as it has sometimes threatened to do when the Government does not take its agricultural policy from the Union) it is probable that the splitting of the Conservative vote would enable the Labour party to gain many of the rural seats. The Labour party has to be even more careful, because it has rivals on its other fringe, the Independent Labour party and the Communist party. If in the attempt to persuade the white-collar workers it becomes too respectable and reformist, it will tend to lose some of the voters who wear no collar at all and glory in their tieless state. Above all, it must never antagonise the trade unions, which provide most of the money and many of the votes. However, the trade unions, particularly the craft unions, are almost white-collar. It is possible to think of Mr Bevin in his shirt-sleeves, but it is a little difficult to imagine Lord Citrine without a tie. The trade unions have fought too long for a high standard of living for them to believe

with Moscow that they "have nothing to lose but their chains", and many of the white-collar workers are trade unionists. The bank clerks may be supercilious, but the railway clerks are not. Accordingly, the Labour party's path to power, if that is what matters, is through an extension of its support among the lower middle class.

This is not an argument but a fact. Some of the most brilliant speakers in the Labour movement are much further to the "left", and they tend to assume that the divergence between the two parties is much greater than it is. The great weight of the trade unions, however, always comes down on the side of "moderation", and it is supported by the managers of "Transport House", who think in terms of votes. Consequently, though the constituencies prefer to listen to Sir Stafford Cripps or Mr Harold Laski, those who dominate the decisions are the "moderates", whether they are politicians like Mr Attlee (of Haileybury and Oxford) or Mr Dalton (of Eton and King's), or are political organisers like Mr Herbert Morrison, or are trade-union organisers like Mr Bevin. It is not surprising, therefore, that there is far more in common between the two parties than is generally assumed. This assertion has already been made, and the reason is now clear. Both parties are trying to catch between 300,000 and 750,000 votes to be cast by the more prosperous workers (as in the Midlands) and the clerks and other white-collar workers in places like Hammersmith and Fulham. In order to show that this is indeed so, let us reduce the two programmes of 1935 to "slogans", and put them in parallel columns:

NATIONAL GOVERNMENT	LABOUR
Support the League of Nations.	Support the League of Nations.
Repair the gaps in our Defences.	Maintain adequate Defence Forces.
Disarmament.	Disarmament.
Increase Empire Trade.	Increase Trade by Inter-
Reduce Tariff Barriers.	national Co-operation.

NATIONAL GOVERNMENT	LABOUR
Insurance for Agricultural Workers.	Insurance for Agricultural Workers.
Support Agriculture and Fisheries.	Public Ownership of Land, and re-organisation of Agriculture.
Increase Home Trade.	Abolish the Means Test and reduce Unemployment by Schemes of National Development.
Maintain the Means Test but remove Hardships.	Vigorous Policy of National Planning for Special Areas.
Develop the Special Areas.	Public Ownership of Mines.
Rationalise the Coal Industry.	{ Healthy Homes at Reasonable Rents. Abolition of "Tied" Cottages. Cheap rural cottages.
Unify Mining Royalties.	
Improve Safety in the Mines.	
Improve Housing.	
Contributory Pensions for Black-coated Workers.	Reduce age and increase amount of Old Age Pensions.
Reform of Education.	Big forward move in Education.
Improve Maternity Service.	Vigorous Development of Health Services especially in relation to Maternal Mortality.
Extend Child Welfare Service and Nursery Schools.	
Deal with the Highlands and Islands.	Extend Mandate System for Colonies.
	Public Ownership of Banking, Transport, Electricity, Iron and Steel and Cotton.
	Comprehensive Programme of Industrial Legislation.
	Amend Trade Disputes Act.
	Repeal Penal Tax on Co-operative Societies.
	Abolish the House of Lords.
	Improve the Procedure of the House of Commons.

It will be seen that there are differences, especially at the end of the Labour list. Moreover, the use of slogans

may hide the essential divergences. It was clear from the event, for instance, that "support the League of Nations" meant something very different to the National Government from what it meant to the Labour party. On the other hand, some of the differences are not so great as they appear. When the National Government promised to "unify mining royalties" it meant that the State should become owner of the royalties; and when it said that it would "rationalise the coal industry" it meant that it would leave the industry in the hands of private owners, but would impose large controls through a Coal Commission. On the other hand, when the Labour party demanded "public ownership" of the mines, it did not propose to confiscate the property of mineowners and royalty owners, but to vest it in a Coal Commission and compensate the owners. Again, the proposals at the end of the Labour list show an apparently wider divergence than there was in fact. The Treasury exercised wide hidden powers of control over the banks, and the effects of nationalisation would not be so great as might be supposed. Transport was already subject to wide powers of control under the Railways Act and through the powers of the Traffic Commissioners acting under general instructions from the Ministry of Transport. The generation of electricity was already subject to the wide powers of the Electricity Commissioners and the Central Electricity Board, and similar powers were already being considered for electricity distribution. The cotton industry was itself anxious for "rationalisation", and this involved, as the event proved, wide powers of control by (though not nationalisation under) a Cotton Commission. The abolition of the House of Lords may appear to be a fundamental change; but the House of Lords was of no importance under a National Government, and what the Labour party really proposed was that there should be either single-chamber government or an innocuous

second chamber under a Labour Government as there was already under a National Government. An even closer parallel existed between the policies of the two parties in 1945, but it might be said that this was due in part to the fact that they had recently formed a Coalition Government which had issued agreed statements on many aspects of public policy. The fact in itself indicates a lack of fundamental differences, and the policies of 1935 show that this state of affairs was not abnormal.

There are differences, and they are wide enough to give the elector a real choice. They are wide enough, also, to give rise to acute controversy in the House of Commons. The allegation is not that the two parties really have the same programme but that the question is one of more or less. They are differences of political theory and not mere differences of party. The elector's choice is not merely a choice of men but also a choice of measures. Nevertheless, there is much in every Labour programme with which a good Conservative might agree, and much in every Conservative programme which would secure assent in Transport House. The fact that very few politicians ever change sides is significant. Their opinions change slowly, but they do not find it necessary to cross the floor. Occasionally they refrain from voting; sometimes, even, they vote with the other side; they become known as slightly disloyal, untrustworthy people who cannot be given office; but they stick to their labels. The fact that rebels are not welcomed by their erstwhile opponents except as convenient stalking horses and that they almost invariably lose their seats, is of course an important sanction: but this does not destroy the truth of the observation that the right wing of the Labour party is very, very close to the left wing of the Conservative party.

Obviously these factors are closely connected. The large common element in party policies is due to the fact

that both parties are angling for the same voters. The parties are able to angle for the same voters because they have a large common element. A Conservative can be almost a Socialist, a trade unionist a very good Conservative, because the parties are not fundamentally divergent in policy and are appealing for the same votes.

§ 3. *The Party Machines*

We have hitherto assumed that a party consists of a set of active politicians held together by common political principles. Until the middle of the nineteenth century such an assumption would have been almost accurate. In the eighteenth century a statesman in embryo did not "join a party", he merely looked round for a patron who owned or had "influence" in a borough or a county and was willing to secure the election of "a friend of Mr Pitt" or Mr Fox or Mr Canning. Even after the repeal of the Corn Laws in 1846 the Peelites were known as the friends or the followers of Sir Robert Peel. There is a relic still in the language of the House of Commons, where a member refers to another member of his own party as "my honourable friend" instead of "the honourable member".¹

The party was, in fact, a group of members in the House of Commons, together with the peers of the same political persuasion; or perhaps it would be more accurate to say that it consisted of the Whig or Tory lords together with their sympathisers and dependents and nominees in the House of Commons. After 1832, however, it was no longer possible to secure a majority by the nomination and influence of landlords and close

¹ Thus, in March 1940, Mr Hore Belisha was considered to have shown his disapproval of the Chamberlain Government by referring to the Prime Minister as "the right honourable gentleman" instead of "my right honourable friend".

corporations, and it therefore became necessary to elaborate an organisation in each constituency. Generally speaking, the initiative came from the constituencies or their members. Since the registration of electors depended primarily on private initiative, the essential function was to induce all political supporters to claim registration and to watch that the other party did not secure the registration of unqualified persons. The responsibility for registration is now vested primarily in the State, and this function is therefore no longer of importance, but the size of the local electorate compels the maintenance of an elaborate organisation for securing a candidate, conducting propaganda at all times (and more intensively during an election), and, above all, organising the election campaign itself. This local organisation is largely autonomous; but immediately after the second Reform Act in 1867 it was considered necessary for the Conservatives to make the most of the opportunity which they had gained through "dishing the Whigs", and a federation of local Conservative associations was formed. The body now known as the National Union of Conservative and Unionist Associations was thus established.

However, Disraeli's manœuvre did not succeed, and the Liberals captured most of the newly created working-class votes at the election of 1868. Accordingly, Disraeli decided that a more effective national organisation was required, and in 1870 he set up the Conservative Central Office under his direct control, with a Party Manager appointed by him in immediate command. In 1872 it was arranged that the National Union should share offices with the Central Office, and that the two bodies should work in collaboration while retaining their separate organisations. Both conduct national propaganda, but the central funds are held by the Central Office and are thus under the control of the party leader.



The organisation of the Liberal party has sometimes led and sometimes followed that of the Conservative party. The Liberal Central Association, which compares with the Conservative Central Office, is however much more of a parliamentary secretariat, while the Liberal party organisation, which is based on the constituency parties, exercises many of the functions which in the Conservative party are exercised by the Central Office. In particular, it is the Organisation and not the Central Association which collects money for propaganda and assisting constituency associations. In other words, the funds of the Conservative party are under the direct control of the party leader; the funds of the Liberal party are under the control of the constituency associations.

The Labour party was founded by trade unions and socialist societies. It was only in 1918 that local Labour parties were formally established. Even now, the trade unions have larger representation in the National Executive Committee of the Labour party than the local Labour parties. There is, however, no leader and no "Central Office". The leader of the Parliamentary Labour party is elected by the members of Parliament every year, though he is usually re-elected. The chairman of the National Executive Committee changes from year to year. The statements of policy, which in the Conservative party are issued by the leader on his own responsibility, are issued by the National Council of Labour, which consists of the executive committees of the Labour party, the Parliamentary Labour party, and the Trade Union Congress. The secretariat in Transport House is under the control of the National Executive Committee, which is elected every year by the Annual Conference of the Labour party.

This short account gives a very incomplete picture of the complexity of organisation. No reference has been made to women's sections and youth organisations,

bodies like the Primrose League, the Council of Action, and the Fabian Society, the societies of political agents, the educational activities of Ashridge, the Liberal Summer School, and the National Council of Labour Colleges, and a score of other matters which would need to be examined in order to give a complete picture of political organisation. It is clear from what has been said, however, that it is not easy to found a party to compete with an established party. The central activities of a party in a normal year cost something like £50,000. A general election costs another £25,000 or more—in grants to candidates fighting “forlorn hopes” and in propaganda. In addition each local association or party must find its own funds. In the Labour party and, in a few Conservative constituencies as well, these funds are obtained from small annual subscriptions. Most Conservative and Liberal candidates provide, however, at least a substantial part of the local funds. An ordinary election costs £500 if a great deal of voluntary labour and free committee rooms are available, or anything up to £2000 if they are not. Taking the country as a whole, a general election costs the Labour party between £300,000 and £350,000, nearly all of which comes from trade-union contributions, small local subscriptions, bazaars, whist drives, dances and such like. The Conservative party and its candidates probably spend an additional £100,000, though most of the total comes from the candidates.

It is not, however, merely a question of money. It has been shown by experience that even when the money is available an election in a constituency can be lost by the absence of “organisation”. This means all kinds of things, the week-to-week conduct of propaganda (and not merely during the two weeks before the election, but consistently), a thorough canvass, the organisation of public meetings, the provision of transport for lazy, sick

and aged voters, the checking of persons who have voted in order to find out who can still be persuaded to vote, and generally a consistent "drive" to urge the electors to the poll. It follows that few "independents" can stand for election with any hope of success, and people who dislike the existing parties find great difficulty in establishing a new one to suit them. These conclusions are important for the discussion which follows.

§ 4. *The Two-Party System*

In 1882 W. S. Gilbert thought it comical

How nature always does contrive
That every boy and every gal
That's born into this world alive
Is either a little Liberal
Or else a little Conservative.

He was, of course, using his poetic licence to ignore the Irish Nationalist party. Apart from them, there have always been smaller parties and groups—Radicals, Peelites, Liberal Unionists, the Labour party, the Liberal party itself, Liberal Nationalists, National Labour members, the Co-operative party, the Independent Labour party, the Communist party, Common Wealth, etc. Since 1835 Governments without a party majority have been in office for twenty-eight years and Coalition Governments for thirty-four years. Yet in substance Gilbert was right; there is a "natural" tendency for Great Britain to follow the two-party system. The Radicals merged into the Liberal party; the Peelites fused with the Whigs to form the Liberal party; the Liberal Unionists joined with the Conservative (and Unionist) party; the Labour party gradually displaced the Liberal party; and the Liberal Nationalists are hardly distinguishable from Conservatives.

It is easy—too easy—to assert that the British peoples have a genius for compromise. It is better to say that they have learned to be tolerant. Cromwell saw that the country could not be governed if each insisted on enforcing his particular brand of truth, and Milton wrote a noble pamphlet in favour of the freedom of the press. As a whole, however, the Commonwealth men were as little tolerant as Laud, and it was by way of reaction to the rule of the “Saints” that opinion became reasonably free. Men became tired of religious controversy that led to civil war, and the existence of the papist King over the water compelled Protestants to make common cause. Whig leaders put latitudinarian bishops in control of the Church of England, and found it politically necessary to permit occasional conformity. When it ceased to be possible for the Scots to force the Solemn League and Covenant down English throats and the safety of the Hanoverian succession required union with Scotland, the English Parliament was prepared to guarantee the independence of the Presbyterian Church of Scotland and the Scottish Parliament to guarantee the predominance, in England, of the Episcopal Church of England. The nonconformists entered the period of “quietude” because, as a minority, they realised that their survival depended on their acceptance of toleration. “Private judgment” in matters of religion became the essential principle of the eighteenth century, so that it could reasonably be called “the age of reason”. The national unity required for the conduct of the French wars was obtained by contrasting the liberty of Britain with the tyranny of France, and it came to be assumed that toleration was part of the Revolution Settlement. Apart from occasional “no-popery” riots, there was no serious religious oppression in the eighteenth century. The parties were still divided on religious issues; the Tories were the “Church party” and the Whigs had the support

of the nonconformists. Nor could a party minister, until quite late in the eighteenth century, be sure that his fall would not be followed by his impeachment. After Culloden, however, the parties became dissociated from principles. A gentleman could be Whig or Tory according to his family connections, or to his prospects of political advantage if he was merely a careerist. Governments were made and destroyed by the adhesion and dissolution of groups until the French Revolution created a new party alignment. Fifty years before, Fox's strenuous opposition to Pitt's war would have led to impeachment or an Act of Attainder, but his "unpatriotic" action led only to removal from the Privy Council. Long before 1830, political opposition was as "respectable" as support of the King's Government.

After 1832, therefore, the Westminster battle became a debating match between rival parties angling for electoral support. The Peelites joined with the Whigs to form the Liberal party, and Disraeli nursed the dismayed Tories into the Conservative party. Because there were only two parties, with a few lone crusaders, each had to contain a wide variety of opinion. The Cavendish and the extreme radical both supported the Liberal party, and the die-hard and the Tory democrat both supported the Conservative party. In the classic age there was an oratorical duel between Gladstone and Disraeli (with the Irish butting in), but each had supporters who differed as widely among themselves as the leaders differed from each other.

Historical causes may account for the establishment of the two-party system, but they do not explain its continuance. There is a certain logic in the system. The policies which a Government can adopt are necessarily conditioned by the circumstances of the time. Free trade did not spring suddenly into the mind of Adam Smith and gradually win approval by the persuasiveness

of its reason. It grew out of the economic conditions produced by the Industrial Revolution. Nor was the movement for social reform in the fields of factory conditions, public health, housing, pensions, social insurance and the like produced merely by the suggestions of benevolent publicists. Even Benthamism was the product of time and circumstance. The details of modern administrative law have depended on the accidents of personality and the chances of political predominance; yet it is not by imitation that all highly industrialised communities have followed much the same road. There is an inevitability about social movements that is obscured by the quarrels of puny politicians. For the most part, the real question has not been what policy shall be followed, but the speed at which the nation shall move towards an almost predestined end. Some wish to move rapidly and others more slowly. The cautious conservative has found his natural place in the Conservative party, and the more adventurous in the Liberal or the Labour party.

This, however, is an over-simplification. Parties do not represent only what may be called mental attitudes. They are essentially organs of interests. It has already been shown that since 1846 the two main parties have tended to represent different classes. The striking homogeneity of British economic life has in this respect played an extremely important part. The landed interest, the commercial interest, the shipping interest, the railway interest, the industrial interest, the industrial workers' interest, are with us valid generalisations because each has really been a unit. The smallness of Great Britain, the absence of internal restrictions upon the movement of capital and labour, and the unity of the home market, have prevented internal divisions. Moreover, none of them has been so distinct that there was any inducement for parties to split. As land decreased in importance, the "country party" claimed the support of other kinds of

capital. As the workers gained the franchise, the employer and the salaried employee moved over with the *rentiers*. We have no peasants' party because we have no peasants. We have no agrarian party because the owners of land are also shareholders and company directors. We have no farmers' party because, in the main, the interests of landowners and farmers have been the same and, indeed, it would be impossible to distinguish the two classes.

Parties are not necessarily or entirely based on economic interests. In other respects the homogeneity of the population has assisted. The success of Protestantism prevented the Roman Catholics from becoming very numerous. Their minority status and the repressive legislation, only gradually relaxed, made it necessary that they should not engage in politics as Catholics, as they are apt to do where they are a strong minority. Religious differences have been important in the past; the Liberal party gave expression to the "Nonconformist Conscience" and the Conservative party supported the Church of England; but it has been explained that the doctrinal distinction was in large part an economic distinction as well. The Whig manufacturers were mostly dissenters, but their grandsons, the directors and *rentiers*, tended to join the Church. The Union with Scotland made the economic interests of the Lowlands paramount over Scottish nationalism, and once Prince Charlie went over the water for the last time, the Scots could forget that they were non-juring Tories and could vote for the Liberal party. The coal area of South Wales, too, was more coal than Wales.

The Irish were the exception, but an exception which proved the rule. Except in the north, they were different in history, religion and economic interest. In due course, therefore, the southern Irish formed their own party and thus upset the British Constitution by injecting a dis-

cordant element into the simple dichotomy which the electors and politicians of Great Britain found convenient for themselves.

We must not forget to add that, once the two-party system was firmly established in Great Britain, it was to the interest of party leaders to maintain it. Disraeli, more than any one, recognised that he must build his party and keep it under one roof. Even Lord Salisbury compromised with Lord Randolph Churchill until he could be sure that if he went he would go alone. Gladstone split the Liberal party, but only through a slight miscalculation; if John Bright had not decided against Home Rule, it is possible that Joseph Chamberlain might not have been so insistent on his private brand of Home Rule, and certain that few but the Whigs would have voted against the Home Rule Bill. Campbell-Bannerman performed Herculean feats to keep the two wings of the Liberal party together during the Boer War; and Balfour wrote strange economics and played even stranger politics to prevent Chamberlain from splitting another party.

Finally, we must remember that the Constitution itself was developed under the two-party system and does its best to compel it. It has been pointed out in Chapter I how the single-member system with straight voting favours the two main parties and operates against the "middle" party. The Labour party grew before 1914 because it appealed to a special economic interest which, it claimed successfully, was not adequately represented by the Liberal party. Its candidates could be successful in the industrial areas where that interest was dominant. The split in the Liberal party caused by Mr Lloyd George and the "coupon" election of 1918 gave the Labour party the opportunity to extend its influence in 1922, 1923 and 1924. The Liberals made a great effort in 1929 to recover the lost ground. They put up 512 candidates

in order to make it plain to the electors that they were capable of securing a majority. Their $5\frac{1}{4}$ million votes, however, brought them 58 seats, while the $8\frac{1}{4}$ million Labour votes captured 287 seats. Had they held 145 seats, with the Labour party holding 249 and the Conservative party 256, as the votes were shared, it is probable that there would have been no split in 1932, that the party could have fought again in full force in 1935, and that there would have been no Labour Government in 1945. In fact, however, the single-member system went against them, and they had 11 seats only in 1945.

The electors have become so accustomed to the two-party system that an election is considered to be a choice of a Government. The question to be answered is whether or not the Government shall be replaced by the Opposition. Consequently, if a party is to receive much support, it must be capable of forming a Government. The great mass of the electors are not really interested in political principles, but they are concerned with what party obtains a majority. If it is true, as Conservatives have alleged since 1924, that their party is the "only alternative to socialism", then Liberals who dislike socialism will tend to vote Conservative; at the same time, the statement may be reversed; the Labour party is the only alternative to a Conservative Government, so that Liberals who dislike what they call "reaction" tend to vote Labour. The truth of these observations was demonstrated by the efforts made by the Liberal party to put up 500 candidates in 1929, and the insistence of its leaders that they were prepared to form a Government. The vote went against them, however, and in 1932 some Liberals preferred to give up free trade and continue in the National Government than to become a minor Opposition party again. In 1935 the Liberal party had only 157 candidates and received less than $1\frac{1}{2}$ million votes.

A new effort was made in 1945 and 307 candidates were nominated; but most of them were at the bottom of the poll and altogether they obtained only $2\frac{1}{4}$ million votes.

In the House of Commons, too, the third party has a difficult task, especially if it is a "middle" party. Modern parliamentary procedure assumes that nearly all proposals are made by the Government, and that the main debate takes place on a motion for rejection or amendment by the Opposition. The third party is thus constantly butting into what appears to be a private fight. It has to support either the Government or the Opposition, or else abstain from voting. If it supports one party constantly, it tends to be associated with that party in the elector's mind, and so he votes for or against that party. If it supports sometimes the one and sometimes the other, the elector thinks it inconsistent. If it abstains too frequently, it is said that it cannot make up its mind. And if, as usually happens, its members are to be found in both division lobbies, it is alleged not to be a party at all. Thus, the two-party system for this reason too tends to perpetuate itself. The Liberal party lost heavily in 1924 because it supported the Labour Government. By 1935, few electors understood where the party stood. It had supported the Labour Government in 1929-31, and the National Government until 1932. Then it had split and was appealing in two branches. The election returns suggest that most Liberal voters had murmured "confound your politics", and had abstained from voting.

Finally, the difficulty of establishing an organisation and of financing an election needs to be emphasised. In the main, this difficulty prevents rival parties being established. It also operates, however, to diminish the effectiveness of a declining party. The work is done in the constituencies by voluntary helpers. The prospect of victory, remote though it may be, is their reward. They will even go on fighting "forlorn hopes" provided that

there is some chance of the party as a whole being successful. If the party seems doomed to perpetual minority status, however, their enthusiasm flags, and it becomes more difficult to fill committees. Again, candidates can be obtained only when there is some chance of obtaining a seat. This does not mean that candidates will not fight "forlorn hopes". Parliamentary candidature is almost a profession, and candidates expect to graduate from the forlorn hopes to the key constituencies, and perhaps from the key constituencies to the secure haven of a safe seat. A party cannot go on putting up 500 candidates of whom 450 will fail. Particularly is this true if the candidate has to provide a large part of the cost of the election. Yet a party that cannot put up 500 candidates at every general election is doomed to become a fragment. Again, the sums required for the central organisation cannot be obtained unless there is some chance that the party will form a Government. Rich men do not contribute money merely because they think that the "principles of Liberalism" or any other principles should be expounded. They expect to have the principles carried into practice even if they personally get nothing out of them. No party can manage on less than £50,000 a year, with another £25,000 in an election year; and sums of this order are not easily obtained by a minority party.

These are some of the reasons which have helped to establish and maintain the two-party system in this country. The question remains whether the system is desirable. A complete answer is impossible at this stage. The British Constitution is a nicely balanced instrument, and a change anywhere produces a change everywhere. It will readily be admitted that two parties do not provide many of the combinations of policies which individual electors may require. In 1935, for instance, there were many who objected equally to the National

Government's foreign policy and to the Labour party's domestic policy; and it is not surprising that a poll of only 74·4 per cent was recorded, the lowest since 1923. The more parties there are, the more electors find their needs met. Yet any system of election based on territorial constituencies becomes absurd with a multiplicity of small parties, even under a system of proportional representation, because so few first preferences count. Moreover, it is by no means so certain that the average elector is particularly interested in specific policies—except those which affect him personally, such as an increase in employment in his industry, or an increase in his old age pension. Even the intellectual, who knows exactly what he wants done, tends to vote on a party's general tendencies rather than on its specific proposals.

Further, the two-party system does provide stable government. There is a majority in the House of Commons and a Government responsible to that majority and controlling it. That Government is sure of having its measures passed (provided that it also controls the House of Lords); it can rely on its party majority so long as it does nothing directly contrary to its principles. It can act quickly and surely because it knows that it has the necessary backing. These are great advantages in a world troubled by ambitious statesmen and difficult economic conditions. Minority governments are weak because they cannot govern. Coalition governments are generally weak because of internal dissension. In a world where strong and rapid government is necessary, only the two-party system works really well.

§ 5. *The Non-Voters*

In what has been said so far there has been an element of fallacy. It has been assumed that the electors vote. Actually, some 20 to 25 per cent of them do not. They

form the "third party", the "non-voters' party". It never forms a Government, but it decides who shall govern, for it has only to send out a small portion of its voting strength to change the result of the election. If a "swing" of a million votes is enough to destroy a Government, it is obvious that two million non-voters can do the same, either way. Let us look at the figures for 1945:

Conservatives and allies	9,927,000
Labour	11,986,000
Liberals	2,253,000
Others	852,000
Non-Voters	8,047,000
Electorate	<u>33,065,000</u>

If two million more voters had been frightened of "socialism", as apparently they were in 1931 (when there was a 78 per cent poll), there would not have been a Labour Government. Indeed, a much smaller number—actually 600,000—would have been enough if they had been in the right constituencies, most of them (as we have already seen) in the "mixed" class. Obviously it must be a primary aim of the political parties to get at the non-voters, and canvassers are often advised not to argue with those who have decided to vote against, because the effort will be wasted, but to seek to persuade those who appear apathetic. No doubt many of those who do not vote are simply unable to do so; they are dead or ill or have moved out of the constituency. Many others are as firmly convinced that they will not vote as those who know how they will vote: they "do not understand politics", or despise all politicians, or have no candidates of their own brand. The important people are the apathetic, who just forget or cannot be bothered. Observation suggests that many of these are women, especially in the working classes, and that this explains

why the Labour vote is not as large as (for instance) the trade union membership would suggest. On the other hand, it seems also to be true that the Labour Party stands a better chance with a low poll (say 74 per cent) than with a high one (say 79 per cent), in which case the lower middle-class produces many abstentions until it turns out in self-defence. Certain answers cannot be given to these questions until much more research has been done, but these figures suggest that there is really not much of a "swing" and that the floating vote does not float. Those who are dissatisfied with the party which they supported last time tend not to vote; some of those who did not vote last time have made up their minds. If this is so, a "swing" of a million may in fact indicate that a substantial part of two million decided not to vote and a substantial part of another two million decided to vote.

CHAPTER III

THE HOUSE OF COMMONS

§ 1. *Political Ambition and its Rewards*

Greville tells us that when Lord Melbourne was invited to become Prime Minister, "he thought it a damned bore, and that he was in many minds what he should do—be Minister or no". His private secretary protested: "Why, damn it, such a position never was occupied by any Greek or Roman, and, if it only lasts two months, it is well worth while to have been Prime Minister of England." "By God, that's true," replied Melbourne, "I'll go." It lasted not two months but, with a short interval, seven years. Nor did Melbourne's action at the time of the "Bedchamber Plot" in 1839 suggest that he was anxious to leave. Naturally the post was more attractive than he had expected, since it fell to him to act as mentor to the young Queen. The story may not be true at all, but it is certainly true that "it is well worth while to have been Prime Minister of England".

Jokes are made about politicians in England as elsewhere; but the note of contempt and even detestation which is evident in some countries is noticeably absent. If it is something to be Prime Minister, it is also something to be a member of Parliament. There is a prestige attached to the House of Commons. It has a dignity which it rarely forgets. It is the focus of attention when stirring events are on foot, and the place to which the

ordinary individual looks when he thinks that "something ought to be done" about his particular grievance. Political ambition not only is a virtue; it is commonly regarded as a virtue. A person does not soil his reputation by standing for election. It is not uncommon for individuals to choose a political career, not because money can be made out of it, but because "it is something to have been Prime Minister", or even to have been a plain member of Parliament.

Political activity does not lead to wealth. The salary of a member of Parliament is £1000 a year, a small sum for a member who has to pay the expenses of his constituency organisation and of his election, and not a large sum even for a trade union official. The highest paid political posts are those of the Prime Minister and the Lord Chancellor, who receive £10,000 a year. The former has heavy expenses to bear and the latter is at the top of a profession which is extremely remunerative for the few who achieve leadership. There is nothing to be gained by company promoting, as Labouchere in one of his most cynical remarks suggested that there was. There is no "rake-off" from Government contracts, because members have no influence upon them. Occasionally it is alleged that the advocacy of a particular cause secures remuneration; but the private member's influence is so small that such opportunities must be rare and exceptional. In short, the most that can be obtained is the consciousness of a job well done, the admiration of a multitude, the power to make history, and a peerage to sweeten one's declining years.

These are, however, attractive prizes, and it is right that they should be so. The nation requires to devote the service of its ablest members to its own cause. The task of governing is too difficult to be undertaken by ignorant and vacillating minds. Western civilisation will be torn down by monomaniacs if the democratic States cannot

rely upon the efforts of the most intelligent, the most farsighted, and the most altruistic of each generation. It is by no means certain that the British Constitution succeeds in this task. We must ask at a later stage what particular qualities are required of a statesman. It must be recognised, however, that for most the path to office must be through the House of Commons, and the system of election is not operated in such a way as to secure in that House a sufficient reservoir of talent.

For practical purposes attention needs to be concentrated on the Conservative and Labour parties, for it is from their ranks that Governments must generally be formed. The great difficulty of the Conservative party is that most candidates must be able to pay for their electoral organisation and their election expenses. It is therefore inevitable that the first question to be asked by a nominating committee is the amount which the candidate is able to pay. It is alleged that some constituencies demand as much as £3000 a year. If this is so, it may be taken to be exceptional. The salary of the secretary (who also acts as election agent), the wages of a typist, and the rent and other expenses of the premises, ought not to exceed together the sum of £1200 a year. Subscriptions to local charities, football, cricket and tennis clubs and the rest, may reach £1800 but can be very much less. The social activities—dinners, whist drives, "socials", dances, outings and the rest—ought to pay for themselves. In a well-organised constituency there will be some income from members. On the whole, it is probably correct to say that a person can secure a constituency capable of being won if he can afford £1500 a year and, say, £800 at every election. If he succeeds, he can set off the £1000 a year salary, less income-tax on £500 of it.

These are, however, large sums. They imply that only successful business men who can afford time for parlia-

mentary duties, or successful professional men (such as lawyers, journalists, accountants, underwriters, stock-brokers) whose work is mainly in London, or persons of "independent means", or the wives of any of them, can become Conservative members of Parliament. It does not follow that the ablest Conservatives of each generation are to be found in these classes. The bright young men and women who believe, rightly, that there is no career so desirable in a social sense as that of politics can occasionally find employment in the Conservative Central Office; but generally they must suppress their ambitions and first seek a living.

Moreover, the system gives to the Conservative party in Parliament a class bias far more emphatic than is warranted by its support in the country. The number of Etonians in the House is due not to the peculiar merits of Eton College but to the fact that it provides education for the sons of wealthy fathers. Nor is the number of retired officers of the Regular Army due to the political training given in Sandhurst and Woolwich. Still less is the number of company directors due to the special ability of members of the House of Commons or even—as is sometimes alleged—because "interests" want to have a "pull" in Parliament. It is said that Disraeli discovered the Conservative working man: but it is easier for a camel to go through the eye of a needle than for a poor man to pass the Sergeant-at-Arms with a Conservative label to his coat-tails.

The Conservative party is aware of these difficulties, and from time to time they are submitted to examination. The only remedy is to achieve a large subscribing membership and, though this has been done in some constituencies, it is natural that the treasurers of "safe seats" should find it easier to secure a wealthy candidate than to go round with membership cards and a receipt book. It is, indeed, a fair generalisation that the

safer the seat the wealthier the candidate. Wealth is not a disqualification for intelligence, but our social system does not provide that it shall be proportionate to ability.

The Labour party has a different problem. Few divisional Labour parties rely on securing a candidate who can pay organisation and election expenses. The party seeks to increase its paying membership, and the treasurer collects 1*d.* a week, or 1*s.* a quarter, from as many individuals as can be induced to subscribe. Funds are raised by social activities, bazaars, sales of work, and the rest. Special contributions are asked for to meet the expenses of elections. Moreover, local trade-union branches and co-operative societies make payments from their political funds. Also, many Labour members are content to live on £1000 a year, and they are generally not expected to make large contributions to local charities. The sums required are smaller, partly because most of the work is done by voluntary labour, and partly because the divisional party does without premises unless it can afford them.

Nevertheless, a divisional party often has considerable difficulty in raising the funds required for a general election. If it receives an offer from a trade union to provide the funds, it rarely refuses, especially if the trade union has a large number of members in the constituency. In 1935, of the 552 Labour candidates, 118 were financed by trade unions; and of these 118 candidates, 77 were elected. In other words, less than one-quarter of the candidates were financed by trade unions, but exactly half the Labour members were. This shows—and more detailed examination proves the assumption correct—that the trade unions occupy many of the safest Labour seats. This would not matter if the unions exercised their choice wisely; but in fact they do nothing of the kind. They tend to appoint trade-union officials

who are no longer wanted in their own organisation. Undoubtedly some of the Labour leaders, like Arthur Henderson, J. H. Thomas, J. R. Clynes and Ernest Bevin, have been drawn from the union ranks, but the great majority have been "intellectuals". Of the seventeen former Labour ministers elected in 1935 (omitting the whips), only four were financed by trade unions, and of these only Mr Clynes was in the front rank.

§ 2. *The House and the Government*

The fact that the essential difficulty of the House of Commons is the paucity of governmental talent shows the relative importance of the functions of the House. We should not think of criticising the United States House of Representatives because it contained few if any prospective Presidents. It is not a nursery for administrators but a legislative body. Under the British system, however, the Prime Minister is almost invariably a member of the House of Commons, and the majority of the Cabinet is also drawn from that House. The Government exists because it has a majority in the House. It is a party Government whose strength is determined by its maximum vote when the whips are put on. It is for that reason that a general election is a choice of government. If it produces a Conservative majority, there will be a Conservative Government. If the party majority splits, there must be either a new Government or another general election.

The theory is that the House controls the Government. The Government, in the accepted phrase, is responsible to the House. In a very real sense the statement is accurate. It does not mean, however, that the House takes the proposals of the Government and moulds them according to its own wishes, as the French Chamber of Deputies did. Nor does it mean that the House gives

instructions to the Government. It is equally true to say that the Government controls the House.

In normal circumstances the two-party system operates, and the Government has a homogeneous party majority. Sometimes the Government is a coalition and has to control two or three parties through their respective leaders. At other times, it has no majority, but has to collaborate with some other party—as Whigs collaborated with Peelites from 1846 to 1852, Conservatives with Liberal Unionists between 1886 and 1892, Liberals with the Labour party from 1910 to 1914 and the Labour Government with Liberals from 1929 to 1931. Where the support of another party is thus necessary, the leaders of that party, and not the House, control the Government. The fact is that the leaders of a party are reasonably certain of their followers: and where the members of the Government are the leaders the Government controls a majority of the House.

Implicit in this statement is the assumption that the party obeys the whip. It is extraordinarily rare for it to fail to do so. It is not so much that party discipline is strict. Even in the Labour party the appearance of strictness is greater than the reality. It is true that a recalcitrant member may find himself deprived of his "label" at the next election, and that it is the label which normally secures his return. In the Labour party, too, the label is presented by the National Executive Committee, by whom all "official" Labour candidates must be approved. This sanction is, however, rarely necessary. The apparent strictness of the Labour party is due to the fact that, while the party is in Opposition, its attitude towards matters before the House is determined by weekly meetings of the whole parliamentary party and not, as in the other parties, by the leaders sitting in the "Shadow Cabinet". A Labour member who dissents is thus opposing a majority, and

*Parliamentary crisis:
Members arriving at the House*



he is expected to do no more than abstain from voting. Also, the Labour party, like the old Liberal Party, and indeed any "leftist" party, contains some political rebels and has therefore to exercise a more obvious control. Conservatives by definitions do not go off on frolics of their own.

The truth is, though, that a member of the Government's majority does not want to defeat the Government. Normally he is loyal to his leaders, and to vote against them is to break faith not only with them but also with his constituents, who elected him not because of his own opinions, nor because they thought that he was capable of exercising an independent judgment, but because he rendered allegiance to the party. They usually give him some latitude: but if he frequently votes against his own party he ought not to carry the party's label. The electors do not want men of independent views but good party men. They did not elect Sir Richard Roe but the Conservative candidate.

Moreover, it usually happens that the only way to vote against the Government is to vote with the Opposition. Frequently, the question is so framed that the member cannot conscientiously do so. For instance, if a Conservative Government introduces a Bill to subsidise the pigskin industry, the Labour Opposition will probably move an amendment stating that, since the only way to reduce unemployment in the industry is to bring it under public control, the House declines to pass the Bill. If the member believes that *laissez-faire* is the correct policy for the pigskin industry, he cannot vote in either lobby. Even if the question were so framed as to enable dissident Conservatives to vote against the Government, they would hesitate. The Government has in its hands (or strictly, the Prime Minister has) the power of dissolving Parliament. If it is defeated it may prefer to "appeal to the people" and not to "bow to the

will of the House". The general election will cost members a substantial sum of money; some of them may be defeated; and possibly the Government will be defeated and the Labour party will come into power. Or the Government may not dissolve, but resign, and so bring in a Labour Government. As between the deep blue sea on this side and the devil on the other, the average member naturally prefers the deep blue sea, and his conscience is usually pliable enough not to insist that he throw himself overboard.

This argument applies to all parties, and it follows that a defeat of the Government with a majority is very rare. Strictly speaking, no majority Government has been overthrown by a party split since Robert Lowe led "the Cave of Adullam" against Gladstone's Reform Bill in 1866. There never was a majority for Home Rule in 1885, and there was no split in 1895 (when, in fact, the Government had no majority). But, because the Government is normally sure of its votes, it can treat any vote as a "vote of confidence". The result is that (except on the rare occasions when the whips are not put on, or when a minority Government is in power) every vote is one of confidence. For an individual member to vote against the Government is thus to show lack of confidence in that Government. In other words, the question for the member is not whether he favours subsidies to pigskin manufacturers, but whether he supports the Government. The effect is cumulative. The majority votes for the Government, and therefore the Government controls the majority; because the Government controls the majority it insists on the votes of its majority. Cross-voting, except in minority parties, is rare.

This does not mean that the Government pays no attention to what is said in the House. It exists not because of the intelligence of its members or the excellence of its intentions, but because it won a majority at

the last election. It will continue to exist only if it secures a majority at the next election. It will secure a majority only if its followers secure majorities or pluralities in their constituencies. Members must therefore sniff every breeze that blows, lest it develop into a gale that sweeps away enough votes to lose their seats. If any act of the Government threatens to lose votes, they will not vote against the Government in the lobbies but will complain to the whips in the smoking-room. A strong Government will resist pressure if it thinks that, ultimately, it can put its case and win: but the strongest Governments bow to the inevitable by gracefully acceding to the "sense of the House". It is because of this, as has already been emphasised, that we have Government by the people.

Nor is this all. Not all Government supporters are pliant yes-men. They will not be beaten with whips and they wage war on ministerial scorpions. The House can be driven, but is far more easily led. A carrot may move a donkey when a dozen whips will not; and, after all, members of Parliament are sometimes quite intelligent donkeys. A way out must be managed, and management is often nothing more than an ability to make concessions gracefully.

It must be remembered, too, that members are not mere representatives of their constituents. The association of Labour members with trade unions and co-operative societies has already been mentioned. The close connection between other members and other bodies known generally in America as "pressure groups" is less well understood. When the Labour Government consulted the Trade Union Congress, its opponents spoke of "outside dictation"; but the language of opposition must not be adopted too easily. The connection between the Conservative party and the Drink Trade is perhaps less close than it was before 1914,

because "the Trade" has never recovered from the combination of Mr Lloyd George's restrictions and the attractions of Hollywood; high prices and sex appeal have driven men from drink, and though the public-house has lost no profits its political influence has declined. Besides, women now have votes. There are, however, hosts of pressure groups, of which the National Farmers' Union and the Mining Association have been the most successful. In our Constitution these groups seek to act upon the Government because privileges come from the Government even if they pass by way of the House. It is wise, however, to provide for bringing up reserves, and most pressure groups have representatives in the House. Nor need they be in one party only. Where extra profits are sought they must necessarily be obtained through parties that do not treat profit as sin; but where what is wanted are better conditions for public employees, better social services, or "justice" for little men, it is better to secure representation in all parties.

Consequently, the member for Casterbridge may also be member for the National Union of Pigskin Manufacturers or the National Association of Public Stenographers. When a question affecting his second constituency is before the House, he is provided with a brief which needs only a few "Mr Speaker"s to become an eloquent speech. He states publicly what has already been urged upon the minister privately. If a concession will gain a few votes, or if administration will become easier if the goodwill of the association is obtained, or if the request for "justice" is not ill-founded, the minister will concede gracefully in the House what he has already accepted outside. Indeed, the honourable member's speech may bring to the minister's attention an argument which hitherto had stopped much lower in the official hierarchy. In any case, the glory will go to the honourable

member, who will naturally receive the gratitude and applause of the association at its next annual dinner.

It must not be forgotten, though, that the last word as well as the first rests with the Government. The major legislation enacted by Parliament is the Government's legislation. The foreign and imperial policy of the nation is the Government's policy. Taxation is imposed by Parliament but determined by the Chancellor of the Exchequer. The Government not only proposes but, through its majority, disposes. Even so, it is not the Government standing alone. It is the Government in Parliament. It is a Government, too, whose only authority is the support of public opinion witnessed for the time being by its majority in the House of Commons. Its policy must in the near future be submitted to the people. The axe will fall upon those who lose touch with public opinion: and the longer the blow is parried the more heavily it will fall—as the Conservatives discovered in 1906.

It cannot be said that this is dictatorship. At worst it is dictatorship for a term of years certain; but dictators who at short intervals have to beg the people for votes freely cast are the servants of the public and not its masters. Those who regret the snows of yester year do not realise that yester year was long ago when the great landowners governed *en société anonyme*; and the snows were an intolerable nuisance. Government is too complicated a business to be conducted by 625 persons in open debate. It requires the whole apparatus of study and execution which is described in Chapter VI. Behind every proposal is a great collection of files, a long series of committee meetings, a large number of individual discussions and, indeed, the whole mechanism of administration. Parliament cannot govern. It can do no more than criticise. Moreover, we have discussed these questions in terms of the majority. Facing the

Frequently, too, debate embarrasses the Government. How easy it would have been for the Chamberlain Government to have ridden off after Trondheim if it had not to meet the criticism which inevitably followed! Negotiations with foreign powers are difficult to conduct when a lynx-eyed Opposition sits suspiciously on the watch. We might have a better foreign policy if we had no Parliament: but we might have a worse; and what is better and what is worse is generally a matter of opinion. We are a free people because we can criticise freely and, if our criticisms prove persuasive, compel the Government to withdraw. Public opinion has destroyed a good many Bills and has reversed a good many policies. The spear-head of the attack is the Opposition. To find out whether a people is free it is necessary only to ask if there is an Opposition and, if there is, to ask where it is.

All this assumes, of course, that the House debates in public. Government and Opposition speak to each other, but for the education of the people. The criticisms brought against the Government are the criticisms of ordinary individuals; the answers of the Government are formally answers to the Opposition, but substantially they are replies to the questions raised in the factory, the railway carriage and the office. The members of the House of Commons were not elected for their special qualifications, but because they supported the policies which the majority of their constituents were prepared to accept. They have no authority except as representatives, and in order that their representative character may be preserved they must debate in public. Secret sessions were suited to the oligarchic government of the eighteenth century. They are the negation of democratic principles. No doubt there are exceptional occasions when secrecy is justified. Compulsory military service was until recently contrary to the British tradition. In 1916 it was considered necessary in the interest

of the community to propose compulsory enlistment. In normal times a change so great could not be effected without a "mandate" from the people obtained by including the proposal in a party manifesto at a general election. In 1916 it was impossible to have a general election. What is more, it was impossible, without giving information of great value to the enemy, even to explain the reasons fully in public. On the other hand, no Government can be trusted to make so great a change without detailed explanation. It was therefore necessary that the explanation should be made in a secret session. The procedure was justified by the exceptional conditions. There were similar conditions in the late war and the need for secrecy was on occasions so obvious that open debate was dangerous. The number of secret sessions suggested, however, that members were mistaking their functions. They appeared to think that, as members, they had something particular to contribute to the conduct of the war, that their views on military strategy or foreign policy were of more value than those of Tom, Dick or Harry. The truth is that they are Tom, Dick and Harry. They were not elected to contribute special knowledge or special ability to the conduct of affairs; they were chosen because they were ordinary people capable of representing ordinary people. Their functions, as Mr Greenwood correctly stated at the outbreak of war, are to bring the views of ordinary people to the attention of the Government and to act as channels through which explanations can be given to ordinary people by the Government. They are representatives only, and they can be representatives only in public.

Even in normal times, it is not the business of an Opposition to obstruct government. Its purpose is to criticise, not to hinder. There are no doubt exceptional circumstances where obstruction is permissible. Given the assumptions of the Irish Nationalist party, no blame

for obstruction can properly be laid against them. Their concern was not to make the Union workable but to destroy it. Moreover, where a Government is forcing a policy on the country which it is reasonably certain that the country does not approve, the Opposition may reasonably demand that it be submitted to the people. It is not so easy to interpret this principle. The Government naturally reads the signs one way and the Opposition another. For instance, the Conservative Opposition obstructed the Parliament Bill in 1911 and Home Rule in 1912. The Liberal Government had a majority after 1910 only with Labour and Irish support. The Conservatives therefore said that the Liberals had a mandate for neither, because the Irish voted for the Parliament Bill to secure Home Rule, and Great Britain had produced a majority against both. Whether the "predominant partner" alone had a right to determine the course is a question which must be left to the reader. It should be said, however, that a party which proposes to use its majority while in power should accept a majority verdict against it. Obstruction brings parliamentary government into contempt, and it is both politically wise and constitutionally sound not to over-emphasise lawyers' arguments about "mandates". If a Government offends public opinion by a too extensive use of its power, the Opposition will reap the benefit.

However, remedies have been devised to meet obstruction. It is no longer possible to "talk out" a proposal by lengthy speeches and much repetition. When the Speaker considers that enough has been said, the Government (or any member) can move that "the question be now put" and so use its majority to closure the debate. A multiplicity of amendments can no longer be moved because the Speaker or Chairman has power to "select" those which appear to raise the essential issues—a power known as the "kangaroo". Finally, if

it appears that the debate on a Bill will be long, the Government can always move a "guillotine" resolution to closure the debate by compartments—to allot, that is, so many hours to the discussion on each stage and each group of sections.

These devices add to the power which the Government possesses by virtue of its majority. Indeed, the closure and the guillotine can be used only where the majority obeys the whip. Great though the power is, the Government recognises the right and the duty of the minority to criticise. It must do so, for an attempt to "gag" could be represented as arising from a recognition of administrative failure and would be a powerful argument in favour of the Opposition. It is therefore natural that parliamentary proceedings should in the main be regulated by what are politely called "the usual channels" which are said to pass "behind the Speaker's Chair"—in other words, by negotiations between the two or three sets of whips.

Private members are allowed to move motions on about twelve Wednesdays and to debate Bills introduced by them on about eighteen Fridays (when the sittings are short) during the session. Even here the whips are not without influence, because often private members (who have to draw lots for the opportunity) are called upon suddenly to produce Bills and motions, and if their powers of rapid invention of grievances are not good, it is natural for them to seek the advice of the whips. In fact, while the Labour party is in Opposition, the party meeting itself determines what subjects shall be raised by Labour members who are successful in the ballot. On the Government side members sometimes produce their own ideas, and sometimes ideas elaborated by pressure groups; but often a motion or a Bill comes not from the private member's head but from the whips' pigeon-holes.

This is, however, a very small proportion of the business of the House; and the rest of the time is taken up by Government business. The time covers, in fact, three full days a week to about Easter, four full days up to about Whitsuntide, and the whole week of five days thereafter. Also, it needs only a majority vote, proposed by the Government, to deprive private members of their time altogether. It is the Government business which is arranged with the Opposition. Every Thursday the Leader of the Opposition asks the Prime Minister what is the business for the coming week. He knows the answer already, because the two of them have arranged it through the whips: but this is a convenient method of informing the House. The Government has a rough plan for the session, arranged by the Legislation Committee of the Cabinet. It brings up the business in the order convenient to itself; but there is a good deal of leeway. There are, for instance, twenty-six "Supply days" for debating Estimates, Supplementary Estimates, etc. It does not matter in what order they are taken. If the Opposition wishes to attack the Government's foreign policy, the Chief Whip offers to have the Foreign Office vote put down for Tuesday, provided that the Opposition will allow the Committee stage of the Pigskin Industry (Reorganisation) Bill to be completed on Monday. It is so agreed, and on Tuesday the Foreign Secretary moves the Foreign Office vote and puts the Government's case. The "Shadow Minister" for Foreign Affairs on the Opposition side then attacks the Government and perhaps moves to reduce the vote by £100 because of the dangerous and vacillating policy of the Government. The debate ebbs and flows across the gangway until, at about 9 p.m., another front-bench speaker on the Opposition side "catches the Chairman's eye". It happens that about 9.30 p.m. the Under-Secretary for Foreign Affairs catches the Chairman's eye and, strange to relate,

he runs out of arguments just before 10 o'clock, when the House must adjourn, and it appears that no other member wishes to speak. The Opposition amendment is put to the vote and is, of course, lost. Probably, the Foreign Secretary will now ask leave to withdraw his motion, because the Opposition may want to attack the Government's foreign policy on another day. The surprising orderliness of this procedure is not surprising at all, because it was all arranged by the whips beforehand.

Nor is this an isolated example. It is part of the ordinary procedure. When this is made clear, some people denounce the whole thing as a sham, especially if they regard the Government as the tools and the Opposition as the dupes of some mysterious, nefarious and most able people known as "the Capitalists"—preferably with an unprintable adjective. It is nothing of the kind. It is an exhibition of the logic of the democratic system. The Government must govern and the Opposition must oppose; what is more desirable than that they should arrange for their functions to be exercised in the best and most orderly fashion? The Government has power to obstruct opposition, and the Opposition has power to obstruct government: but neither kind of obstruction is desirable. Confusion will result if both make the attempt; and if one of them does, it will get a black mark in many an elector's register. It is particularly necessary for the Labour party to be "constitutional", because the floating vote consists of a good many people who can be frightened into voting Conservative by a mere suggestion that the fundamentals of the British Constitution are being tampered with. Besides, the Labour party has a respect for the power of the majority (as its own "discipline" shows) which has never afflicted Conservatives like the late Lord Birkenhead or the late Lord Carson, not to mention living persons. Indeed, the accusation made by the

Conservative press as well as by some sections of the Labour movement was that the Parliamentary Labour party under Mr Attlee's leadership was not effective enough—was, in other words, altogether too constitutional and gentlemanly.

The efficiency of this system of government by cross-talk depends on the ability of the House to find able and acceptable chairmen. Nothing exhibits so well the genius of the British Constitution or, more accurately, the reasonableness of British people, as the position occupied by Mr Speaker. He is chosen by the Government from the Government benches when there is a vacancy. Invariably, however, the Opposition is consulted, and its veto is conclusive. He is intended to be as impartial as any human being can be. Accordingly, he must be chosen from among those members who have not made themselves conspicuous by the virulence of their politics. Often he has served a long apprenticeship as Chairman or deputy Chairman of Ways and Means, so that he may for many years have presided over the House in committee, or over the House itself during the Speaker's absence. Before that he may have been one of the members of the Chairmen's panel, selected by the Speaker from all parties to preside over Standing Committees and to act as temporary Chairman of the House when occasion arises. It is by no means uncommon for a Standing Committee with a Government majority to be presided over by a member of the Opposition. In the exercise of his functions he does not hesitate to overrule a minister or his own leader. Nor does the minister or leader hesitate to accept the ruling. The House has long ago realised that it can do nothing unless it has good chairmen. It has, therefore, deliberately exalted their status. A member of the Chairmen's panel and a Chairman of Ways and Means share in the great prestige of the Speaker.

That prestige is maintained with all the art which the British Constitution knows so well how to employ. Outside Parliament, Mr Speaker is for ceremonial purposes the House of Commons. His election is rarely opposed in his constituency. Inside the precincts but outside the Chamber forms and ceremonies support his dignity. He is preceded by the Sergeant-at-Arms carrying the successor of "that bauble" which Cromwell ordered to be removed. His procession moves through the corridors to the call of "Speaker", and in the central lobby his coming is notified by the command "Hats off, strangers!" Standing at the bar of the House of Lords it is he who acts as "House of Commons" when the King or his Commissioners sit "in Parliament". Inside the House his word is law. His rising is a signal for the member "on the floor" to sit. He insists that he, and not other members, be addressed. He requires that members do not cross between him and the member speaking. Members bow to him as they leave the Chamber. The importance of these apparently empty ceremonies must be emphasised because, though they often make ardent reformers impatient, they really have a purpose. It is natural and pardonable that a new member straight from the Clyde should despise this "mummery", which appears to him to be intended to prevent him from discussing fully and adequately the empty stomachs, the lice, the leaking roofs, and the rest, that induced him to become a politician. It is, however, part of the process of enabling that member to put his case. Other members dispute the causes and may deny the facts. Debates on subjects on which political passion runs high is possible only if it is conducted with dignity and decorum. Reforms cannot be carried in a bear-garden, nor is logical argument effective in its popular appeal if it is conducted in a monkey-house. The ceremonies which attend Mr Speaker assist in creating

that "atmosphere" which is so potent in making the parliamentary system workable. Order is the primary requisite of freedom.

It must not be assumed that parliamentary procedure represents the highest degree of wisdom. It is always undergoing development, but here as elsewhere reforms are apt to come tardily. A discussion of present difficulties would involve an examination of rules and practices of a technical order which would be out of place in this book.¹ It may be said, however, that the problem lies in the apparent contradiction between two demands, for speed on the one hand and full and comprehensive discussion on the other hand. It is not possible to have both. Most of the recent reforms, including those made in 1947, have emphasised speed and have therefore met with criticism because they limited discussion. A Labour Government in the first fine flush of enthusiasm, coming into power for the first time must necessarily be impatient to get its reforms into law. While it is not the business of the Opposition to obstruct, it can hardly be expected to welcome an arrangement which secures more easily the legislation which it dislikes.

¹ See Jennings, *Parliament* (Cambridge University Press, 1939), for a description of the technique; and Jennings, *Parliamentary Reform* (Gollancz, 1933), for some possible remedies.

CHAPTER IV

THE HOUSE OF LORDS

§ 1. *A Conservative Bulwark*

The House of Lords shares with the Corporation of the City of London the privilege of having passed almost unscathed through the "reform" movement which began about 1782 and developed with great vigour after 1830. The reason is not that there has been universal satisfaction with its work. Indeed, dissatisfaction has gradually extended to all parties. There is now agreement that changes are necessary; but the problem as to what these changes shall be lies right at the centre of political controversy. The House of Lords is for practical purposes an outpost of the Conservative party, though the peers possess a greater freedom of action than the Conservative members in the House of Commons. Changes made under a Conservative Government are hardly likely to prove acceptable to its successors, and changes could not be made under any other Government without a controversy between the two Houses.

The Conservative party has an immense majority because, subject to all the qualifications which have already been set out, the division between the parties is in essence a class division and the peers are drawn from one class only. Indeed, the gradual "Conservatisation" of the House is one of the means of showing that the

party division is, in large measure, an economic division. So long as Whigs disputed with Tories, the party strength among the peers depended primarily on which party had been longest in office. In 1712 the Whigs had a majority, and the Tory Government created twelve new peerages in order to pass the Treaty of Utrecht. In 1832 the long period of Tory government—practically from 1784 to 1830—gave the Tories a majority of about fifty. The Whigs were in office from 1830 to 1841, and from 1846 (with two short intervals) until 1866. About 1865 the two parties were fairly evenly balanced. At least since 1832 there had been a tendency for traditionally Whig families to become Conservative, because the Liberal party was the party of reform, the party whose strength lay among dissenting manufacturers and not among Anglican landowners. The tendency was offset by the creation of new peerages under Liberal Governments. However, the association of liberalism and radicalism under Gladstone after the second Reform Act caused the movement to become much more rapid. In 1886 the Whigs parted company with the Liberals over Home Rule: only forty-one peers voted for the second Home Rule Bill in 1893. In 1911 it would have been necessary to create five hundred peers to secure the passage of the Parliament Bill. The rise of the Labour party completed the process. Of the 746 members of the House in 1936, 543 indicated their support of the National Government, 56 were Liberal, and 16 Labour. The others stated that they were "independent" or gave no information. In order to make certain of passing a measure, a Labour Government would thus require some 750 Labour peers.

Whatever their political opinions, however, peers are responsible to nobody save themselves. Whether of the first or the fourteenth generation they take their seats by their own right, except that the sixteen Scottish





representative peers have to secure re-election at the beginning of every Parliament by the thirty or forty members of their own order. They need no labels. They take the whip because they desire it, not because they require it. No jealous constituency watches their votes, or notes how assiduously they attend to their duties. They have not to trim their sails to the breezes of public opinion. They can decide as their reason or their private interest indicates. Consequently, Conservative peers are usually more conservative than the Conservative party. They come from a narrow section of society, that section usually printed as Society. They have not, as the Conservative party has, to prove to working-class and lower middle-class people that Conservatism is the best policy for all classes. In the party sense they need not be good Conservatives.

Nevertheless, a Conservative Government is always quite certain of its majority. It may have to grant concessions in the House of Lords as in the House of Commons. It must not antagonise the landowners, or the coalowners, or the whisky interest. They are, after all, representative of important political groups, and some of them probably contribute substantially to party funds. This is, however, a question of "management" differing not fundamentally from that in the House of Commons. No Bill promoted by a Conservative Government has been rejected by the House of Lords since 1832; and, for the last fifty years at least, no Conservative Bill has been amended against firm Government opposition.

The position of other Governments is quite different. Not many peers attend—rarely more than two hundred, and usually not more than eighty—but among them is always a Conservative majority. This majority usually obeys the commands of its leaders, though sometimes it defeats the Government when its leaders suggest that

it should not. The leaders themselves determine their strategy in consultation with the Conservative leaders in the House of Commons. Nothing passes the House of Lords except by permission of the Conservative party, whether that party is in office or in opposition.

This does not mean that no Liberal or Labour legislation passes the House of Lords. For the Conservative peers to adopt such tactics would be to invite the destruction of their privileges. They must exercise their power according to some principle which can be defended by Conservative politicians in the country. They exercise what Lord John Russell in 1839 called "a wise discretion" and claim to reject legislation only when it does not appear clearly that it has the support of the country. Even if this principle were honestly applied, it would assume that Conservative peers, who never fight an election, are better judges of public opinion than those who have to persuade a majority of the electors to support them at intervals. In practice, however, the principle is a mere excuse. To suggest that the Education Bill of 1902 was passed because it was supported by the country, while that of 1906 was amended out of existence because it had not the support of the country, is just nonsense. The country had little to do with it. The real reason was a combination of honest opinion and party tactics; and, be it remembered, the alleged principle does not allow rejection or radical amendment even on grounds of opinion—it is public opinion and not the peers' opinion which is used to justify their action. The House naturally passes Bills of which it does not disapprove. It passes other Bills if it is tactically wise to do so. It radically amends if it considers that the Government would prefer a mutilated Bill to no Bill at all, or if it is tactically less dangerous to amend than to reject. It rejects if the Conservative party is prepared to risk an election, or if it is believed

that the Government will acquiesce without a dissolution.

Lord Balfour once said, while he was leader of the Unionist party, that it was the bounden duty of his audience to see that "the great Unionist party should still control, whether in power or whether in Opposition, the destinies of this great Empire". Such a claim could not be justified. It is, however, possible honestly to support the Conservative claim to halt measures of a radical nature until the "mind of the country" has been made up. Though most Conservatives agree that the House of Lords needs reform, they do not accept the argument that it needs reform because it is Conservative. Every Conservative plan of reform so far put forward would give a Conservative majority. Nor are they necessarily thinking of party advantage. In their view, the Liberal and Labour parties often advocate rash and immature plans of social reform which, if carried out, would be dangerous to the peace and economic stability of the British Empire. Such plans may be superficially attractive to the electorate, particularly if they are accompanied by wild promises of future benefit. They may be sprung suddenly on the electorate at a general election; or they may be so wrapped up in a multitude of proposals that their significance may not be plain. They may even be carried through the House of Commons without having been part of an election programme. Further, a Government with a majority in the House of Commons has not necessarily a majority in the country. It may never have had such a majority, or it may have lost it long before the Parliament comes to an end. Finally, a majority for a Government is not necessarily a majority for every specific proposal made by the Government.

Some of these arguments apply to a Conservative Government as to a Labour or Liberal Government.



A Conservative Government does not, however, propose "rash" or "revolutionary" or "radical" measures. Consequently, a Labour or Liberal Government requires a Conservative brake, while a Conservative Government is, so to speak, a slow-moving vehicle which is never likely to get out of control. Hence, it is argued, a Conservative majority in the Second Chamber is very desirable, so long as it exercises its powers reasonably, as most Conservatives allege that it has done for the past century. The only reform required is in the composition of the majority, and most Conservative schemes of reform provide for a substantial reduction in the number of hereditary peers sitting in the House and for the addition of new "Lords of Parliament" elected by the House of Commons or by local authorities.

It will be seen that some of the arguments could be met by a more accurate system of political representation in the House of Commons, though it was Conservative members who defeated such proposals in 1918 when the peers supported them, and the Conservative party has always refused to adopt them. Other arguments depend upon a fundamental suspicion of democracy based on a wide franchise. Moreover, the whole assumes that a Conservative majority will always act reasonably. There is very little basis for such an assumption. Sweet reasonableness is no more a Conservative characteristic than it is a Labour or Liberal characteristic. All power is likely to be abused unless it is adequately checked. The power of the House of Commons is checked by the ultimate power of the electorate. Sharp practices of the kind which Conservatives fear reap their reward at the next election, as was discovered by the Conservatives after the "khaki" election of 1900, by Mr Lloyd George after the "Hang the Kaiser" election of 1918, and by the Conservatives after the "Red letter" election of 1924. The reward is not garnered until

the next election, but in the meantime the seeping away of its support is evident to the Government. It is a complete fallacy to assume that, because a government has a majority in the House of Commons it can do what it pleases. Though every Parliament passes laws, which would not be accepted by the electorate as separate proposals, the Government's general tendency must be in accord with public opinion lest it be thrown out of office for a decade. Nor is there any cause to fear the electorate. The average elector has more sound common sense than he is commonly given credit for. He is not swayed by oratory, and he is suspicious of fine promises. He is essentially conservative because in our social system he fears the consequence of extensive changes. In truth, politicians at the other extreme are equally mistaken in their political psychology. The political organisers of the Labour party have discovered by experience that the "inevitability of gradualism" is a law applying to elections as well as to administration. The trade unions are suspicious of "intellectuals" who want to do too much too quickly; and even if the Labour party adopted truly revolutionary proposals, the only result would be that even more substantial sections of the working class would vote Conservative. What is more, no election can be won by the votes of the industrial workers alone. The lower middle class, which holds the balance, is the most conservative and most timid section of the population. It fears change because things might be worse. It does not follow that the present tendency to transfer capital from the wealthy to the State will not continue; but if the argument is that the wealthy classes ought to be protected, it leads to the conclusion that what is required is a dictatorship, not a Conservative majority in the House of Lords. If we want a democracy we must inevitably "trust the people".

§ 2. *The Need for a Second Chamber*

An argument that the House of Lords ought not to have a permanent Conservative majority is not necessarily an argument that there ought not to be a House of Lords. It would not be impossible to provide a Second Chamber giving a better representation of national interests and aspirations. The question whether such a Chamber is desirable depends on the functions which the House of Lords performs or could perform.

It must be remembered that the House performs some functions which are not usually given to a Second Chamber. It is, for instance, the final Court of Appeal for many legal causes arising in the United Kingdom. It was intended in 1873 to abolish this jurisdiction and legislation was passed for the purpose; but as a result of a change of Government the decision was reversed and the legislation repealed. Instead, authority was given for the appointment of paid "Lords of Appeal in Ordinary" who hold life peerages and sit in the House of Lords as ordinary members. The House of Lords for judicial business is in reality, though not in law, a different body from the House of Lords for legislative business, and it would be possible to abolish the latter without abolishing the former. Much the same argument applies to the jurisdiction which the House has as a court of first instance, for peerage cases.

In the second place, the House debates general issues of policy. These debates are often very good. They are short, and few peers take part. Those who do are generally the peers with experience as minister, Governor-General of a Dominion, ambassador, or otherwise. There are silly speeches in the House of Lords as in the House of Commons: but a peer rarely speaks for the sake of speaking. There is no necessity to "keep the debate going"; there are no constituents to demand

frequent intervention; there are no great advantages to be obtained from publicity. Moreover, there is usually no division at the end; and if there is it does not matter, because the Government pays no attention whether to victory or to defeat. On the other hand, with the present House most of the debate is on one side if it is carried on for very long, because neither the Labour nor the Liberal party has more than a handful of speakers. These debates are useful but not essential. If the House were more representative they might be even more useful. In this respect, then, there would be some loss if the House were abolished.

In the third place, the House acts as a legislative chamber. Bills can be introduced there instead of in the House of Commons. The Bryce Committee stated in 1918 that Bills dealing with subjects of a partially non-controversial character may have an easier passage through the House of Commons if they have been fully discussed and put into a well-considered shape before being submitted to it. Government Bills ought, of course, to be in a well-considered shape before they are submitted to Parliament at all. It is nevertheless true that many amendments are made after publication because of representations made by "pressure groups" and other interested parties. The amendments are proposed by the Government, and in such cases the House of Lords merely ratifies them. Occasionally, also, useful amendments are suggested by peers—the "law lords", for instance, sometimes secure improvements in measures of law reform. Most amendments proposed by peers (like most amendments proposed by members of the House of Commons) are, however, either futile or destructive. When a Liberal or Labour Government is in power the result is to increase the time occupied in legislation in the House of Commons. Nevertheless, the statement of the Bryce Committee is substantially

correct, though no great emphasis must be placed upon it. Bills are sometimes introduced by peers. They are comparatively rare, because the British Parliament has long ago learned that its task is primarily to criticise legislative proposals, not to initiate them. They cannot pass the Commons unless they are entirely non-controversial or are supported by the Government: but occasionally a Bill presented by a peer does get through.

Fourthly, the House of Lords debates Bills brought up from the House of Commons. This is the function in the exercise of which the House of Lords has most laid itself open to attack. Before 1911 the only remedy available to a Liberal Government was to threaten to create enough peers to give the Government a majority. Obviously the remedy could be used only in extreme cases. It was used in 1712 to pass the Treaty of Utrecht, in 1832 to pass the Reform Bill, and in 1911 to pass the Parliament Bill. It is such an extreme remedy that it can be used only where the King can be definitely assured that the measure has popular support; it thus demands a preliminary general election and its use obstructs all business for several months. Moreover, if the Government's bluff were called, the result would be effectively to destroy the House of Lords altogether. If the peers had not given way in 1911 the peerage would practically have been doubled; and the creation of enough peers by a Labour Government would now give the House of Lords a membership of 1500.

In 1911, however, the Parliament Act gave an additional remedy. The occasion for that Act was the rejection by the House of Lords of the Finance Bill of 1909 which gave effect to Mr Lloyd George's "confiscatory" land-tax Budget. The House had never before refused to pass a Finance Bill and it was alleged that to do so was to infringe the privilege of the House of Commons to be the sole judge of financial measures (though, apart

from history, there is no compelling reason why a money Bill should be treated differently from any other Bill). Accordingly, the Parliament Act enables a money Bill to be presented for the royal assent and become law if it is not passed by the House of Lords within one month of its receipt. Conservative criticisms have propagated the notion that this provision creates a very wide breach in the power of the peers. It is said, for instance, that socialist provisions can be "tacked" to a money Bill. Actually, the term "money Bill" is very strictly defined, and it has been very rigidly interpreted by successive Speakers. The accusation really is that in a Labour Parliament Mr Speaker might be so biased as to allow tacking; but all history is against partial Speakers, and there is no more reason why Mr Speaker should so demean the high traditions of his office than there is why a judge should do so. Somebody, somewhere, must take the decision; and Mr Speaker has the advantage of a thorough knowledge of parliamentary procedure and the practice of legislation.

The provision as to money Bills is thus of comparatively minor importance. It really covers the Consolidated Fund Bills which grant money to the Crown (and which are never amended by the House of Commons), certain other minor Bills which are rarely controversial, and less than half of the Finance Bills which impose taxation (actually, twelve out of the twenty-nine Finance Bills between 1913 and 1937). It will be noted, however, that for this branch of legislation we have in practice single-chamber government.

In respect of other public Bills (except Bills to extend the duration of Parliament) the House of Lords can interpose a delay of two years. In the meantime the Bill must pass the House of Commons in three successive sessions. This does not mean that the time taken in the House is tripled. In the period 1912 to 1914, when

this power was in process of use, the discussions on the second and third occasions were rigidly limited. Nevertheless, to have to discuss the same Bill three times would be to add a heavy burden to a Liberal or Labour Government. Also a delay of two years must be a serious matter to any Government. If legislation is thought to be needed, it is presumably needed at once, and not after a long delay. The period would be long even if the proposal was part of a long-term policy, such as that of nationalisation. The Labour Government came into office in August 1945 with a programme which was large but, considering that it had been out of office (except as part of a coalition) for 14 years, not excessive. A good deal of legislation on social services had been prepared under the Coalition Government and was acceptable, with comparatively small changes, to the Labour Government: it occupied most of the session 1945-46. Meanwhile orders were given for the preparation of Bills to give effect to the major items of the Party's election policy. By strict use of the guillotine, these were passed in 1946-47 and 1947-48. The only major item of policy not covered by October 1948 was the nationalisation of iron and steel. This was an exceedingly complicated proposal which involved much preparation. It could hardly have been completed earlier or passed through Parliament if it had been completed. At the end of the 1947-48 session, however, the Parliament had less than two years to run. The Parliament Act does not require that the three sessions should all be in the same Parliament; but the Labour Government wished to be able to appeal to the people in the later months of 1949 or in the early months of 1950 with the assertion that the "mandate" expressed in 1945 had been fully carried out. This could be done only if the period laid down by the Parliament Act was reduced from two years to one year, and such a change could be effected (against the

House of Lords) only by a Bill under the Parliament Act. Thus at the moment of writing (June 1949) the position is that an amending Parliament Bill has been passed by the Commons but not by the Lords in 1947-48; it was again passed by the Commons but not by the Lords in a short second session in 1948. It will presumably be produced again in 1949-50. Meanwhile the Iron and Steel Bill is being passed through Parliament and if rejected (or amended in ways which the House of Commons will not accept) by the House of Lords it will presumably be passed again in 1949-50 and will become law before the general election under the Parliament Act as amended.

It must be remembered that most of the functions of the House of Lords raise no controversies at all. Nearly every week during the session there is some debate in that House which arouses more interest than the debates in the House of Commons. The Lower House must spend by far the greater part of its time on Government legislation and on finance. The remainder of the time is devoted usually to matters in party controversy, raised by the Opposition as part of the process of keeping the Government efficient and educating the public in the issues which will be placed before it at the next election. There is neither time nor opportunity to discuss some of the broader issues of policy, such as those which relate to foreign affairs, defence, colonies and Commonwealth relations, which do not require immediate legislation and are not in party controversy. Nor indeed is the House of Commons qualified to discuss these subjects from a detached point of view. It is a group of active politicians representing the point of view of ordinary people. Some of the peers, on the other hand—usually the peers of the first generation and the bishops—have a broader experience which can on the one hand prevent them from being efficient politicians and on the other hand enable

them to make useful contributions on special topics. In this respect the House of Lords is complementary to the House of Commons, and the fact that there is apt to be a preponderance on the Conservative side is immaterial because the debate does not put the Government in peril and rarely even produces much criticism.

In the second place, the peers undertake a mass of work on Government legislation which must be done somewhere. No Government Bill is perfect when it reaches the House of Commons, because neither the civil servants concerned nor parliamentary counsel have had time to study the subject exhaustively. Suggestions for improvement keep pouring in so long as the Bill is in Parliament, and indeed long after. Even if the Bill were perfect when it reached the House of Commons its perfection would be sullied by the time it reached the House of Lords, and a "cleaning up" process would be necessary. In the House of Commons, too, the Minister in charge may have undertaken to "consider" all kinds of bright ideas which were new to him, and this "consideration" by officials on his behalf may produce amendments in the House of Lords. All this requires or may require a somewhat lengthy committee stage in the House of Lords. Sometimes there are as many as 20 pages of amendments moved and accepted. Blue blood is not an essential qualification for this kind of function; possibly a committee appointed by the General Council of the Bar would do it better; it could be done in the House of Commons itself if there was no Second Chamber; but it must be done somewhere if our statute book is not to be an even stranger document than it is now.

In the third place, the House of Lords undertakes a considerable volume of committee work which receives no publicity but which very considerably relieves the House of Commons. It relates to private Bills, provisional orders, special orders, statutory instruments,

etc. If these functions were not undertaken by the House of Lords they would probably not be undertaken by the House of Commons. It must be remembered that the latter House consists mainly not of experienced administrators who prefer official papers to novels and committees to film shows but of active politicians who like to hear themselves talk and to feel the limelight playing on them. Some of them are "part-time politicians" who drop in for an hour or two in the evening after office hours. There are perhaps two or three hundred members who are prepared to undertake the humdrum tasks of no political importance which bring no publicity; but they are already heavily burdened. Even now it is difficult to find members willing to sit on committees and even more difficult to persuade members sitting on committees to read the necessary documents. So long as there is a House of Lords some of this work is taken by the peers; and if it were not the complaint of "bureaucracy" would be even more vocal.

It was formerly the view of the Labour party that the House of Lords should be abolished and not merely reformed: and a proposal to that end was inserted in the party manifesto of 1935. There was no such proposal in the manifesto of 1945, and it seems that opinion has changed. Naturally, the Labour party could not accept the view of the Conservative party—not always put forward blatantly but implicit in the argument—that a Second Chamber is needed to stop radical or "revolutionary" measures; and indeed the use of such arguments leads opponents to suggest the radical or "revolutionary" measure of abolishing the House of Lords. When the problem is taken out of this emotional context, however, it is usually agreed that there are functions which a Second Chamber can perform and which could not be performed so well by a Single Chamber system of government.

Unfortunately, this sort of problem is usually discussed in an emotional context. It is too difficult to raise when there is no "politics" in it and too difficult to settle when there is. In 1909-11 it was discussed in the context of Mr Lloyd George's budget and Home Rule; in 1917-18, when the Bryce Committee considered it, Home Rule was still in issue; in 1947-48 the nationalisation of the iron and steel industry was in the background. Nevertheless, over the past forty years there has been a gradual approach towards agreement, and it seems probable that, if the problem could be considered at a moment when there was no prospect of controversy between the Houses, the following principles would be accepted:

(1) That it is desirable to have a House of Lords where debates on matters of public importance but not of political controversy can be held, where Government legislation can be "cleaned up", and where attention can be directed to the more technical but less controversial aspects of Parliamentary control of administration;

(2) That for this purpose it would be convenient to have the House of Lords composed of two classes of members (in addition to the Royal Dukes, some of the archbishops and bishops, and the lords of appeal)

(i) Persons who had achieved distinction in the various branches of national life, whose views on some aspects of public policy would be worthy of attention, and who would be appointed as lords of Parliament for life; and

(ii) Persons more closely in touch with public opinion, but not necessarily active politicians, elected for each Parliament, by the system of proportional representation, by the members of the House of Commons;

(3) That this arrangement would probably result in a permanent Conservative majority, but that this would not be seriously objectionable to the other parties if the

maximum period of delay was one year and money bills could not be held up;

(4) That no legislation of a constitutional character should be passed without the consent of the House of Lords unless passed by the House of Commons in two successive Parliaments.

Legislation of a constitutional character would mean legislation dealing with the succession to the Crown, the Royal style and titles, the extent of His Majesty's dominions, the composition of Parliament, and the distribution of constituencies electing members to the House of Commons.

CHAPTER V

THE MONARCHY

The difficulty of explaining the process of government lies in the fact that it depends so much on intangible relationships which are more easily felt than analysed. This is particularly true of the Crown. On the one hand it is easy to exaggerate the influence of the monarchy by adopting a legalistic attitude and emphasising the part played by the Crown in the theory of constitutional law. On the other hand it is easy to minimise the royal function by stressing the great trilogy of Cabinet, Parliament and People. The truth lies somewhere in between, but it is not a truth easily demonstrated, nor is it constant in its content. So much depends on private interviews which political scientists do not attend, and so much on the personalities of those who do attend.

The King has one, and only one, function of primary importance. It is to appoint a Prime Minister. Somewhere in every constitution founded on responsible government there must be someone who takes the first step to form a new Government when a gap is threatened. Inevitably that function is exercised here by the King. Frequently it is almost automatic. When the Labour party secured a majority at the general election of 1945, there could be no doubt that Mr Attlee had to be Prime Minister. If a party secures a majority and that

party has a leader, that leader must become Prime Minister. When the Labour party secures a majority, there can never be any doubt, because the party always insists on the right of the Labour members of Parliament to choose their own leader. The Conservative party does not follow this practice. Mr Baldwin became leader in 1923, Mr Chamberlain in 1937, and Mr Churchill in 1940 because they were Prime Ministers. The formality of election—now by a meeting of Conservative members, peers and candidates—was in each case followed, but it was a mere formality, an expression of confidence in the leader chosen by the King. What would happen if the party became leaderless when in Opposition cannot precisely be determined because the question has not arisen since 1911. In that year Mr Bonar Law was elected leader, not of the party but of the Conservative members of Parliament, the leadership of the party being left open until 1922, when he became Prime Minister. This in substance the Labour practice, except that the leader of the Parliamentary Labour party is elected annually. On the other hand, it is not a satisfactory method for the Conservative party, because the party leader is in control of the Conservative Central Office—a body which, it has already been explained, has no equivalent in the Labour party.

The King thus has a choice when the Conservative party has a majority but no leader, or when no party has a majority. In the former case, his duty is to appoint a Prime Minister who will command the willing support of the party majority. When a Prime Minister retires, it may be assumed that he will advise as to his successor. It is true that Queen Victoria did not ask Gladstone's advice in 1894. She had already decided to send for Lord Rosebery. It would have been better if she had asked because she would at least have heard of the difficulties involved in appointing this "dark horse in a loose box".

Nor is it certain that Edward VII asked Lord Salisbury's advice in 1902, though Balfour's accession was so obvious that advice was hardly necessary. Again in 1908 it appears that Edward VII did not consult Campbell-Bannerman; but Asquith had been presiding over the Cabinet during the Prime Minister's illness. No information is available as to the appointment of Mr Chamberlain in 1937, but it is a reasonable presumption that Mr Baldwin had been consulted. In 1940 the Labour party insisted on Mr Churchill as the price of its joining a Coalition.

These examples show how frequently a successor is clearly indicated by the political situation. In Lord Rosebery's case, the succession was almost inevitable. In some cases, however, there is no inevitability. If, for instance, Mr Chamberlain had resigned in March 1939 owing to the failure of the Munich policy, who would have succeeded him—Sir Samuel Hoare, Sir John Simon, Sir Kingsley Wood or Lord Halifax? Such a problem arose on the resignation of Bonar Law in 1923. Lord Curzon was the only minister with long experience, because most of the Coalition Unionists had gone out with Mr Lloyd George in 1922. Mr Baldwin was the obvious candidate from the House of Commons, but his Cabinet experience was limited to the eight months of the Bonar Law Government, and until the Conservative revolt of October 1922 he had been at most a quite obscure junior minister. Apart from the defects of Lord Curzon's character immortalised in the lines—

George Nathaniel, Viscount Curzon,
Is really a very superior person,

he was a peer. Lord Rosebery and Lord Salisbury had led governments from the House of Lords; but, in the first place, these precedents were not happy, especially Lord Rosebery's; and, in the second place, the position

was now different because the Labour party was the official Opposition and was practically unrepresented in the House of Lords. George V thus had a very difficult problem to solve. After consulting several Conservative statesmen, he decided, rightly as is generally thought, to summon Mr Baldwin.

The function is equally important where no party has a majority or the position is otherwise complicated. Thus, on the resignation of Mr Baldwin's Government on its defeat in the House of Commons, after a general election, in 1924, George V was called upon to decide whether to summon Mr Asquith, as leader of the Liberal party, or Mr Ramsay MacDonald, as leader of the Labour party, or some other person who might, perhaps, try to form a coalition. He decided to send for Mr MacDonald, who in fact had behind him only about one-third of the members of the House. The events of 1931 were even more complicated. The Labour Government, which had no majority, had resigned, and the country was passing through what was called a financial crisis. A general election was out of the question and the Labour party was the largest party in the House. The King commissioned Mr MacDonald to form a coalition, though it is not clear whether the suggestion came from the King, Mr MacDonald, or Mr Baldwin. The King was much criticised for this action; but there is no evidence that he acted unconstitutionally. The action of Mr MacDonald, on the other hand, is not easy to defend.

Such examples do not occur very frequently, but they show the importance of the function. The King is in a favourable position because he is in close contact with the Government, though he rarely has opportunity for studying Opposition leaders, particularly where, as with the Labour party in 1939, they have been out of office for a long period. At the same time he is, or ought to be, impartial. Even monarchs have their prejudices, as

Queen Victoria showed; but at least they are less partisan than active politicians.

In many other cases the King exercises functions, but for the most part they are formal. He is present at Privy Council meetings when the more important kinds of delegated legislation are passed. He appoints ministers, ambassadors, judges, military, naval and air force officers, senior civil servants, and so on. He summons and dissolves Parliament. He creates peers and confers honours. He assents to legislation. In nearly every case he acts on the "advice" of ministers; that is, the effective decision is that of the Cabinet, the Prime Minister or the Departmental minister concerned. Where a formal act is required he is obviously in a position to ask for explanations and to give advice. The Privy Council is a purely formal body and no discussion takes place. If, however, a Draft Order in Council is brought up, the minister concerned usually attends. Either before or after the meeting, therefore, the King can ask for an explanation. There have been occasions when items have been postponed because the King wished for explanations.

Even where no formal act is required, however, the King can ask for explanations and give advice. He receives a copy of the Cabinet "minutes" and also of the "daily print" of despatches circulated by the Foreign Office. He follows debates in Parliament by means of the *Official Report*. These supplement the information which he receives from newspapers, from personal inspections, and from interviews. Moreover, he has a staff to keep him informed of the developments of political life. For these reasons, if he chooses to devote himself to the study of affairs he can soon acquire a considerable knowledge of British politics. Though personally remote from Parliament and platform, he is constantly close to the scene of great events.

His capacity to influence them depends upon his

personal qualities. It would be unreasonable to expect that he will be more than an ordinary man. The Hanoverians were not chosen for their intellectual qualities; and in any case no family produces a genius in every generation in the direct line of descent. Neither George V nor George VI would lay claim to more than industry and common sense. These, however, are qualities which, if used at the centre of affairs, can be extremely valuable. Few of our ministers are more than plain men. The nation could throw up thousands of men as competent as Mr Baldwin or Mr Chamberlain or Mr Attlee. In fact, the British people has a suspicion of intellect and imagination, except in war time. The King, like a minister, has a part to play in public. Like the President of the French Republic he has to be a *bon bourgeois*. Unlike a minister, however, he is not compelled to maintain a glib assurance in matters of politics. He has no cause to be a partisan, and there is no tendency for him to be satisfied with the slick slogans that sometimes muster as arguments. The besetting sin of politicians is that they tend to believe what they say. A little grain of salt in public life is often salutary. A king like George V and a statesman like Mr Baldwin could hobnob as equals. A king like George V could puncture Mr Lloyd George's rhetoric (unless he were carried away by it, which also is possible) as a pin punctures a balloon. Mr Gladstone, complained Queen Victoria, "addresses me as if I were a public meeting". She was the most chilling of his audiences, though she succumbed, as no public meeting ever did, to Disraeli's blandishments. A king who can keep his head (metaphorically) can do immense good, simply by injecting a little common sense.

On occasions, something more is required. The right of dissolution, for instance, is not solely within the competence of the Prime Minister. A king who thought that the power was being put to serious abuse could

refuse to allow a dissolution. The occasion has not recently arisen in this country, though in 1910 there was some hesitation. In the Dominions, however, the problem has at times been acute. If a Prime Minister advised a dissolution merely because he was no longer in agreement with the majority of his colleagues—like General Hertzog in 1939—the King would be fully entitled to refuse. If Mr Chamberlain had (as he would not in fact have thought of doing) advised a dissolution in May 1940, when the Germans were crossing the Albert canal, the King would have been justified in refusing.

In other words, there are occasions when the "formal" functions cease to be merely formal. Normally, the king would not refuse to grant a peerage to any person recommended by the Prime Minister, though he would be entitled to make representations if the character of the person seemed to make a peerage unfitting. He would not, however, allow 750 peers to be created in order to give a majority in the House of Lords unless he felt that public opinion really demanded it. He might thus require, as in 1910, that a general election be held on this specific issue.

The fundamental principle which governs his action in such a case is that his prerogative is not to be used for purely partisan ends. He himself must neither be nor seem to be a partisan. Unionist politicians in 1913 demanded that George V dissolve Parliament without "advice" from the Liberal Government. The demand was foolish because, though the king's co-operation is necessary for a dissolution, ministerial co-operation is equally necessary. It therefore could be regarded only as a demand for the king to dismiss his ministers on the specious argument that they had no "mandate" for Home Rule. Had George V acted in this way, he would have shown himself to be a partisan, to be, in other words, a Unionist.

It must be emphasised, however, that these problems are exceptional. Far more important than the king's governmental functions are what Bagehot calls his "dignified" functions. The process of government is not a question merely of securing loyalty and efficiency in the public services. Vast tracts of government are with us left to unpaid amateurs. Peers, aldermen, councillors, magistrates, members of Royal Commissions and advisory committees, the thousands of persons engaged in voluntary social services and philanthropic societies, give their time and experience to the public weal. Nor is this all. Government is not just a matter of giving orders and enforcing obedience. It requires the willing collaboration of all sections of the people. Moreover, democracy is government by the people as well as for the people. Individuals must feel a personal responsibility for the collective action.

To say all this is merely to say that patriotism within limits—the kind of patriotism which is co-operative and not aggressive—is an admirable principle. A people at war cannot fail to be impressed with its importance; but it is equally important in time of peace. It is of course not necessary to have a monarchy to have patriotism. The Fifth Column has been found in monarchies, and the two greatest republics in the world are not deficient in patriotism. Nevertheless, a monarchy provides a useful focus for patriotism, particularly where it has a long and glorious history. If England had remained a republic after 1648, or had become a republic in 1688, it would by now have acquired that aurora of sentiment which attaches to *la patrie* or the Constitution of the United States. Until 1760 the Stuarts carried more "romance" than the Georges.

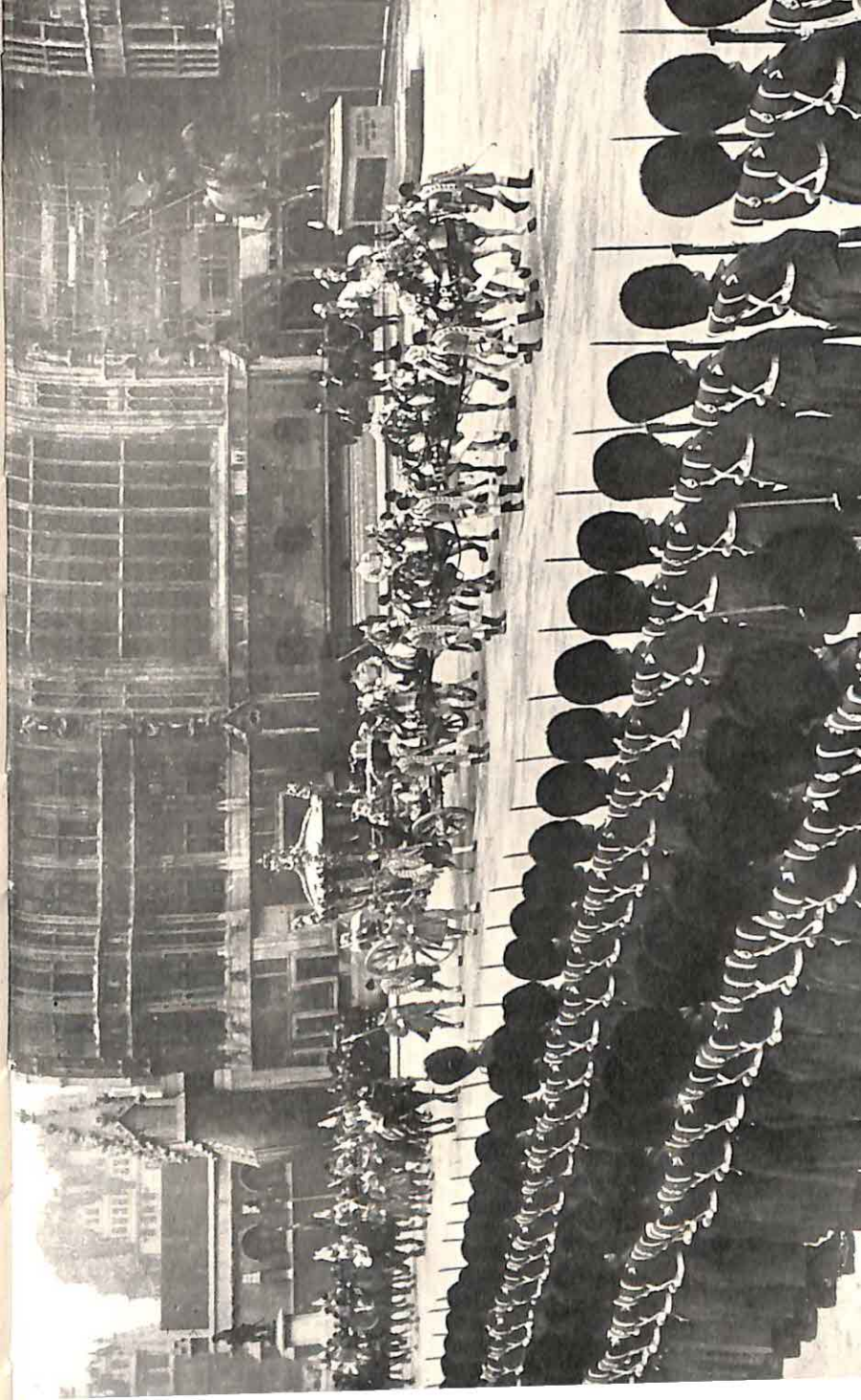
Nevertheless, the more concrete the symbol the more effective it is. The State functions more easily if it can be personified. An elected President who has stepped out of

politics, like the French President, is no substitute for a king who has stepped in by right of inheritance (even if, like George VI, he stepped in because his predecessor stepped out). Still less is an active politician, like the President of the United States, a substitute. We can damn the Government and cheer the king.

This personification of the State in the king requires, to be fully effective, that the king be active in good works. Gladstone rightly complained of Queen Victoria's retirement for many years after the death of the Prince Consort. The effect of Disraeli's persuasion was visible at the Jubilee of 1887 and the Diamond Jubilee of 1897. The "little old lady" caught the popular imagination just when the extension of the franchise required the popular imagination to be stimulated. Perhaps, indeed, it was a little too inflamed. It may be that Milner and Joseph Chamberlain could not have had their war in South Africa if the line between patriotism and jingoism had not been crossed.

This is, however, a matter of opinion on which no impartial observer could be dogmatic. Certain it is that democratic government is not merely a matter of cold reason and prosaic policies. There must be some display of colour, and there is nothing more vivid than royal purple and imperial scarlet. During the present century, therefore, we have placed almost an intolerable burden on the royal family. They must not only head subscription lists and appear on State occasions; they must, also, inspect this and that, open this and that, lay this stone and that, and undertake a thousand other dull tasks in a blaze of publicity. We can hardly blame Edward VIII if he preferred to make toffee in the kitchen. George V had made himself a slave to the public demand.

The medieval "romance" which surrounds the king is not, however, without its disadvantages. Patriotism can easily slop over into jingoism, though there has been



very little evidence of it in the present century. Moreover, some of the relics of the Victorian age are no longer suited to modern conditions. Queen Victoria established the monarchy on a firm foundation while society was still highly stratified, and quite reasonably only the top strata were associated with the Crown. During the past fifty years, and particularly during the past twenty years, "Society" in the Victorian sense has almost disappeared, and the effect of maintaining the traditions of the Victorian court has been to associate the Crown with wealth instead of what used to be called "breeding", with the result that between the wars it was thought of by many as a bastion of that "capitalist exploitation" which they professed to regard as the characteristic of the economic system. Now that wealth in turn is tending to disappear through heavy direct taxation and death duties, a new technique has to be worked out so as to avoid the suggestions of which the Conservative party has from time to time made use, that the Crown is one of the appendages of that party.

Though the Commonwealth outside the United Kingdom is not within the province of this book, it would be ungracious not to mention the functions which the Crown performs in cementing the various and indeed variegated portions of the Commonwealth. The functions which the King performs in person for the independent members of the Commonwealth are few and of no great practical importance; but the problem of creating a focus of patriotism is even greater in the rest of the Commonwealth than it is in the United Kingdom, and the existence of the Crown helps to solve that problem. There are 540 million people in the Commonwealth each of them concerned primarily with the welfare of his own community. There are eight independent nations—the United Kingdom, Canada, Australia, New Zealand, South Africa, India, Pakistan

and Ceylon—with different histories, traditions, languages, economics, interests and cultures. The strange entity called the Commonwealth of Nations is amorphous and, in appearance, almost mystic. It is difficult indeed to recognise in it some central theme which gives it unity and character without over-emphasising the part played in it by the United Kingdom. Until recently it was thought that “allegiance to the Crown”, which is itself something of a fiction, might serve as the link. As soon as India became an independent country, however, it became clear that even this fiction must disappear. In the Commonwealth Declaration of 1949 the King was “recognised” as “the symbol of the free association” of the independent member nations of the Commonwealth “and as such the Head of the Commonwealth”. How to make that symbol effective as a symbol is one of the problems which the British Constitution as well as the Commonwealth has to face.

CHAPTER VI

ADMINISTRATION

§ 1. *Administrative Bodies*

Parliament and political parties operate for the most part in the light of day. They are, so to speak, constitutional instruments of publicity. The ordinary individual therefore has a substantially accurate notion of the part they play. The delicate balance of relationships and the degree of emphasis to be given to functions are matters for the practical politician and the expert; but the elector is fully entitled to make up his mind on their utility and efficiency. Knowledge of the working of the Cabinet system is less widespread because so much of it is secret. Yet the Cabinet occupies the centre of the stage. It is "the Government" which is blamed if things go awry and—more rarely—praised if things go well. Its members are in Parliament and are leaders of the parties. Its actions arouse public interest and its functions are well known. It is necessary to emphasise, however, that the British Constitution would not work at all if there were not thousands of less publicised persons engaged in the detailed working of the institutions of government.

The complexity of the British system of administration arises partly from history, but above all from the wide range of functions which it has to fulfil. It must be remembered in the first place that in Northern Ireland much of the administration is conducted under the

control of the Parliament of Northern Ireland and not under that of the United Kingdom. Consequently, there is an administrative system quite distinct from that of Great Britain. In the second place, the administrative systems of England and Scotland have never been completely assimilated, so that generally speaking the Ministry of Health, the Ministry of Agriculture and Fisheries, and the Ministry of Education exercise functions in relation to England only. There are separate Departments in Scotland under the general control of the Secretary of State for Scotland, who also has some functions which in England are exercised by the Home Secretary. There are, further, two distinct sets of local government institutions. Finally, the judicial systems are distinct, with the result that the administrative apparatus which they require is divided, the Lord Chancellor exercises functions in England only, and there are two sets of Law Officers.

It must also be emphasised that it is not easy to determine where "administration" ends and "private enterprise" begins. There is, for instance, the whole group of public utilities, such as railways, tramways, docks, canals, water undertakings, gas undertakings, electricity undertakings, and the rest. They are all regulated under special powers conferred by Parliament, though some are governed by local authorities, some by companies, and some by commissions. In this field "company" usually indicates private enterprise; but it is not uncommon for Parliament to authorise the formation of a company simply as an instrument of government while the word "corporation" (as in British Broadcasting Corporation and British Overseas Airways Corporation) often implies that the organisation is under more or less direct State control. A "commission", too, may be a body designed to control private enterprise or a body created to operate a

nationalised business. We have a National Coal Board, a British Transport Commission, Electricity Authorities, and Gas Councils, all acting as agents of the State. Purely governmental functions are also exercised by other bodies, sometimes mere voluntary associations: examples are the Law Society, the General Medical Council, the Dental Board, the Architects' Registration Council, and the Nurses' Registration Council. It is very difficult to know where to place such bodies as the British Broadcasting Corporation, the Metropolitan Water Board, the Port of London Authority, Trinity House, river boards, marketing boards, the Cotton Board, the Wheat Commission, and so on. The explanation is, as usual, that the British Constitution is essentially empirical. An existing body is given a new function, or an old function is transferred to a new body, or a new body is created to exercise a new function, simply as it appears most convenient at the time. The growth in the functions of the State has caused hundreds of new bodies to be created, and has conferred new duties on hundreds of existing bodies. No general principles run through administrative law. Their methods of organisation, their powers, and the extent to which they exercise them, are known only to those who are specially concerned with each group.

Fortunately, now that they have been mentioned they can be ignored. They certainly create difficult problems, particularly in their relation to other branches of government. From a social or economic angle they cannot be ignored, because many of them have powers of compulsion or of monopoly which closely affect the interests of ordinary people. We shall soon reach the stage where it can seriously be asked whether we have democracy when we are governed by a vast array of boards, commissions, corporations, companies, authorities, councils, and the rest, whose relation to

Parliament or to a local electorate is remote. Problems of this order must, however, be discussed either at length or not at all. They are different in respect of each social function.

For our present purpose, also, we can ignore the local authorities. It must certainly be remembered that they exercise some of the most important and the most intimate functions of the State. It has been well said that modern civilisation rests on drains and sewers; and local authorities are not concerned with public health alone, but also with education, police, housing, planning, and the rest. There are problems here, too, but they are much less urgent and no less technical than those relating to other minor bodies. The fact that local authorities are directly responsible to the people solves the major difficulty.

The essential problems of a general order are those that relate to the central Departments of State, which function under the control of ministers responsible to Parliament. Here, too, the consequences of increasing State functions are obvious. At the beginning of the eighteenth century the Departments of State were the Lord Chancellor's Department, the Treasury, the Privy Council Office, the Privy Seal Office, the Admiralty, the Offices of the two Secretaries of State, the War Office, and the Post Office. All these (except the Privy Seal Office, which exercised entirely redundant functions) remain. The Offices of the two Secretaries of State have expanded into the Foreign Office, the Home Office, the Commonwealth Relations Office, the Colonial Office and the Scottish Office. The War Office and the Air Ministry also have Secretaries of State. In addition there are the Board of Trade, the Ministry of Education, the Ministry of Agriculture and Fisheries, the Ministry of Labour, the Ministry of Health, the Ministry of Transport, the Ministry of Pensions, the Ministry of

Town and Country Planning, the Ministry of Supply, the Ministry of Food, the Ministry of Works, the Ministry of Civil Aviation, the Ministry of Fuel and Power, and so on.

It is not easy to generalise about these numerous bodies, because it is fallacious to assume that their functions are in all respects equivalent. Their methods of organisation are different because they have to undertake tasks of a very dissimilar character.

The Departments may be classified as follows:

(1) *Defence.* The Admiralty, the War Office and the Air Ministry provide for the civilian control of the armed forces. Their functions include the raising of the forces by voluntary enlistment, the provision of equipment, armaments, munitions and other stores (whether by purchase or by direct manufacture in ordnance factories and Government shipyards), the allocation of forces, and the provision of accommodation. They necessarily require technical knowledge, so that the Departments employ in their administration not only civil servants but also officers of the three services. In fact, the supreme body in each, subject to the ultimate control of the minister, is a committee in which senior officers predominate—the Board of Admiralty, the Army Council and the Air Council. The functions of the three Departments are co-ordinated by a fourth, the Ministry of Defence, which alone is represented in the Cabinet.

(2) *External Relations.* The Foreign Office is one of the simplest organisations because its functions are to a substantial degree of a “political” order. Though it has the Diplomatic and the Consular Services under its control, it has not to take such a vast number of technical decisions as most Departments. Its main task is to collect information on which political decisions can be taken by the Foreign Secretary or the Cabinet. The Commonwealth Relations Office similarly is concerned more with policy than with technical decisions. In fact, its lower branches are shared

with the Colonial Office. That Office is primarily concerned with the recruitment of the various colonial services and with control over the decision of colonial governors and other administrators. It may be noted that functions of a similar order are exercised by the Home Office in relation to the Channel Islands and the Isle of Man.

(3) *Administrative Control.* Since many of the functions of the State are exercised by the numerous bodies outside the central administrative system, powers of control are exercised by central Departments. Thus, the Ministry of Education has control powers over local education authorities. The Ministry of Transport has powers of control in respect of the highway functions of local authorities, over the transport undertakings of the British Transport Commission and the electricity undertakings of the British Electricity Authority. The Board of Trade has similar functions over gas undertakings of Area Boards. The Ministry of Agriculture and Fisheries has control powers over the agricultural powers of local authorities, over catchment boards and drainage boards, and over the special boards and commissions created in recent years for dealing with various agricultural and fishery problems. The Home Office controls the police, fire brigade and local election machinery. The Ministry of Town and Country Planning controls the planning functions of local authorities. The other control functions over local government are vested in the Ministry of Health. In many cases, it will be realised, there is a differentiation in Scotland, where the Scottish Office or a Department under its control takes the place of the appropriate English Department.

(4) *Direct Services.* If we omit the defence services, the oldest service which is provided directly for the benefit of citizens is the Post Office. In recent times, however, there have been notable extensions of these services. The Ministry of National Insurance provides the vast Social Security scheme and the Ministry of Health provides the National Health Service. The Ministry of Pensions provides war pensions. A service which can hardly be described without explanation as for the benefit of citizens is the prisons

system, which is operated by the Prison Commission under the control of the Home Office. The Home Office also has direct control over the Metropolitan Police.

(5) *Law Enforcement.* Law enforcement is primarily the concern of the police, who are employed outside the Metropolitan Police Area by the local authorities and standing joint committees. It sometimes requires, however, much more positive administration, such as frequent inspection. Much of this also is done by local authorities, such as the branches relating to weights and measures and food and drugs. The Home Office is the controlling body. But sometimes a central Department is directly concerned. Factory inspection and the control of explosives and aliens are under the Home Office, though the Ministry of Labour is concerned with the employment of aliens and also (in war time) with factory inspection. The Ministry of Agriculture and Fisheries is concerned with plant and animal diseases.

(6) *Assistance to Private Enterprise.* This function cannot easily be differentiated from the others, because it tends to develop into enforcement or control. Thus, the Ministry of Agriculture and Fisheries was primarily concerned, until recently, with assistance to farmers and fishermen. Demands arose, however, for financial and not merely technical assistance, and financial assistance involved control. Consequently, the character of the Ministry has changed. Similarly, the Mines Department was concerned with assistance and enforcement, but the Ministry of Fuel and Power has powers of control through the National Coal Board. The Board of Trade and the Ministry of Agriculture and Fisheries still assist by the provision of information and in other ways.

(7) *Ancillary Services.* The greatest of the ancillary services is the provision of money and the control of all Government expenditure. This is the special function of the Treasury, which raises taxation through the Commissioners of Inland Revenue and of Customs and Excise. Money is also obtained from the Crown Lands Commission and the

Post Office. Financial control also means control over Departmental estimates and over contracts. It has led, too, to general control by the Treasury over the Civil Service. Finally, the Ministry of Works provide the buildings and furniture required by the Government Departments and their numerous outposts.

It must not be thought that the above gives a complete survey of governmental functions. It does, however, illustrate their variety. It is enough to show that many classes of civil servants are required. The Post Office, for instance, employs postmen and men engaged in the carriage of mail, telephone and telegraph operators, engineers, sorters, counter assistants, an immense clerical staff engaged in checking, accounting, docketing and the rest. The Admiralty dockyards, the ordnance factories and the Ministry of Works employ skilled, semi-skilled and unskilled workers. Professional men of all kinds—lawyers, accountants, architects, scientists, engineers—are to be found in some or all of the Departments. Every Department requires shorthand typists, typists, cleaners, porters and messengers. Some of the clerical work demands a high degree of skill and knowledge, and is performed by what is known as the “executive class”, while some is almost mechanical. There are special classes such as the inspectors, the customs and excise officers, the employment officers in the Employment Exchanges, and the inspectors of taxes. The ultimate decisions are taken by civil servants, under ministerial control, who require the highest intelligence that the nation can produce.

§ 2. *The Process of Administration*

Enough has been said to indicate that it is quite impossible to describe the process of administration. The citizen meets it at many points, the local post office,

the telephone exchange, the employment exchange, the office of the inspector of taxes even, in London, at the street corner. The most important part, however, is that with which he is not directly in contact but which really influences his environment even more because it assists ministers in reaching the decisions which determine the policy of the country. This "administrative class", as it is called, is very small. It contains only about 4200 people, while Government employees of what are called non-industrial classes number nearly 700,000 of whom about 300,000 are commonly designated as "civil servants" by ordinary citizens. These 4200 men and women, however, occupy the key positions in the administrative system. Some of them are so important that their names get into the newspapers in spite of the service practice of anonymity—Lord Hankey who, as Sir Maurice Hankey, was Secretary to the Cabinet, Clerk of the Privy Council, and Secretary to the Committee of Imperial Defence; Sir Horace Wilson, who was Permanent Secretary to the Treasury and Head of the Civil Service; Sir Warren Fisher, his predecessor; Lord Vansittart, who was Diplomatic Adviser to the Government; Sir Alexander Cadogan, who was Permanent Under-Secretary of State for Foreign Affairs; and others whose names the reader will recall. These are among the most eminent of the administrative class; but that class includes also the young men and women who came straight from the Universities at the latest examinations.

Many of these civil servants of the administrative class are engaged upon what may be called internal administrative tasks. They may be concerned, for instance, with financial relations with the Treasury, or with appointments to and promotion in the civil service. Our primary interest is in policy-making. It will therefore be convenient to assume that the administrative class exercises that function alone. If we take the hierarchical

system of a Department like the Ministry of Health, we find that it is somewhat as follows:

The Minister.

Private Secretary.

Assistant Private Secretary.

The Parliamentary Secretary.

Private Secretary.

The Secretary.

Private Secretary.

2 Deputy Secretaries.

10 Under-Secretaries.

29 Assistant Secretaries.

71 Principals.

30 Assistant Principals.

The Minister and the Parliamentary Secretary are members of Parliament. In some Departments the Parliamentary Secretary exercises some of the functions which would normally be exercised by the Minister, either because there is a traditional allocation (as with the Financial Secretaries to the War Office and the Admiralty) or because the Minister specially delegates certain of his functions (as Mr Lloyd George delegated to Mr Addison when he was Minister of Munitions). Generally speaking, however, the Parliamentary Secretary's functions are parliamentary; and inside the Department he is concerned partly to advise himself about the many problems which may arise in Parliament and partly to assist generally by commenting on documents and attending committee meetings.

The Secretary is the permanent head of the Department, and his position has been likened to that of a general manager. He exercises general control, he has the last word on proposals that go to the Minister, and the first word on proposals that come from the Minister. The Deputy Secretaries give general assistance to the

Secretary and perhaps pays special attention to certain aspects of the Department's work.

The Under-Secretaries are concerned with the separate branches of the work of the Ministry. In the Ministry of Health, for instance, one deals with finance, another with the establishments, another with housing and so on. Where the work is large, an Under-Secretary might be assisted by an Assistant Secretary. A less heavy section of the work might not require an Under-Secretary at all, but would be in charge of an Assistant Secretary. The Principals give these senior officials, as well as the senior technical officials, general assistance by writing memoranda, commenting on other people's memoranda, acting as secretaries to Departmental Committees, summarising the contents of files, analysing statistics, and so on. The Assistant Principals do the same kind of work, but they are younger and less experienced, and their main task is to learn the process which will fit some of them to become Permanent Secretaries. The Minister will probably have a Principal as private secretary, while the other private secretaries will probably be Assistant Principals.

The function with which we are here concerned is the taking and execution of decisions. Regarded from the angle of the civil service, this involves tasks of three kinds. First, there is the collection and analysis of information. The accumulated wisdom of the Government is to be found not merely in the minds of ministers and civil servants, nor even in the files of memoranda, but in the libraries of books, despatches, reports, and so on. Information on anything within the range of the Department may be required quickly. The Foreign Office provides the best example, because everybody knows that a constant succession of telegrams comes in from British representatives abroad. The Foreign Secretary, the Permanent Under-Secretary, the Deputy

Under-Secretary, perhaps even an Assistant Under-Secretary will have an interview with an ambassador or a minister or a counsellor of embassy or legation, and a note is promptly taken for purposes of record. Such foreign representatives may also bring or send documents. Newspapers and press-cuttings provide information which may be more or less accurate than that provided from official sources, but which must be read and checked. Eminent people (even professors) sometimes write books whose contents must be known. Not much of this information may be immediately relevant. Ruritania may be off the map, so far as the Foreign Office is concerned, for a decade. Suddenly, however, news comes that a delicate situation has arisen because the Crown Prince has been assassinated, or a general election has brought in an unfriendly Government, or some British subject has been imprisoned. At once everybody from the Prime Minister to an Assistant Secretary clamours for a full but concise account of the whole background. There has to be somebody in the Department who knows something about it and, above all, who knows exactly where in the files of the Department is to be found the material for a complete story. The informatory function is, it is believed, well exercised in the Foreign Office. In some other Departments conditions are not so good—perhaps because the Treasury does not like paying for Principals who read books and documents. It is believed, for instance, that the Ministry of Health has no collection of local authorities' minutes and agenda, which would indicate what the local authorities are actually doing.

The provision of information is an ancillary function without which action is likely to be bad because it is, so to speak, performed in the dark. The essential function of the administrative class is in the taking of decisions. In the days when the present Cabinet system was

established, it was possible for a minister to take every important decision himself. We find Peel and Gladstone, for instance, corresponding not merely about the principle of tariff reduction, but about minutiae of detail. Sir James Graham at the Admiralty did not personally order the crew of a man-of-war to reef the topsail, but he knew everything that went on in the Admiralty. Lord John Russell and Gladstone drafted clauses in Bills. Every appointment was made in fact and not merely in form by a minister. He required only a principal adviser, a few technical officers and some clerical assistance.

This history is important, because it was under Peel, Russell and Gladstone that the theory of Cabinet Government was established. Yet in 1842 the national expenditure was in the region of fifty million pounds. The civil service, including all classes, could not have contained more than 40,000 people. In 1948-49 the national expenditure was nearly 1600 million pounds and the civil service numbered practically 700,000. A ten-fold increase in the work does not mean that the minister takes ten times as many decisions, particularly when it is remembered that his parliamentary and political functions have also increased and that most of these cannot be delegated. It means that the modern minister takes few of the decisions, though the number varies from the Foreign Office, where so many are "political", to the Post Office, where the Postmaster-General takes very few.

Many decisions are of course purely matters of routine. When an unemployed insured person "registers", he is aware that the Minister of National Insurance personally knows nothing whatever about him, and that some minor official decides whether he is entitled to benefit. Even where there is a discretion the decision may be taken far down the hierarchy. A local officer of the National Assistance Board has power to determine

whether an unemployed person shall have slightly more than the official scale of National assistance. Matters of wider importance, however, go up as far as an Assistant Secretary. A housing scheme, for instance, would ultimately receive the approval of such an official. Similarly, any question of principle would go as far. No person of a lower station than an Assistant Secretary would sign a document on behalf of a minister. Subject to any instructions that might be issued, a problem would be sent higher up only if it was of special difficulty, or was unusual, or might involve political controversy. If several branches of the Department were concerned, several persons would have remarks to make, and in the absence of agreement it might have to be brought before a Departmental Committee (which is not to be confused with a committee of outside persons appointed by the minister to make a report). If two or more Departments were concerned, it might be necessary to have an inter-Departmental Committee.

The great majority of questions are, however, "departmental questions". They involve the exercise of a wide and informed discretion. Formally, many of them will go to the minister. If he is wise, he will deal only with those which are indicated to be important. It is the duty of the Permanent Secretary to see that everything of importance is submitted to the minister. It is the minister who is responsible, and he if anybody will be criticised in the House of Commons. On the other hand, it is equally the duty of the Permanent Secretary to see that the minister is not bothered by questions of a minor order. The questions submitted to the minister are, however, more numerous than those which might strictly be called "political". Such questions, and such questions only, must ultimately be put before the Cabinet. This is particularly true of proposals involving substantial expenditure or the passing of new legislation, or which

concern more than one Department, or which may be discussed in the House of Commons. The minister must be prepared to make positive proposals on these matters, and must therefore make up his own mind: but in addition he will consider questions of a departmental nature, perhaps involving administrative reorganisation, or a change of policy, or the appointment of a committee of investigation.

Thus, there is a hierarchy of decisions which may be classified as follows:

Routine and minor discretion.
Discretion within a policy.
Departmental policy.

Executive class.
Assistant Secretary.
Permanent Secretary and
Minister.
Cabinet.

Government policy.

This is a very rough classification indeed, because the division cannot be expressed in words. The important fact is, however, that a very large number of decisions is taken by senior civil servants. Moreover, even if a decision is taken by the minister or by the Cabinet, the case must be prepared. The information available must be collected by a Principal or an Assistant Principal, who will, at least if he is asked to do so, add his suggestions as to the line to take. His memorandum will be read by an Assistant Secretary, who may send it forward with his comments, or throw it in the waste-paper basket and write another, or hand it over to another and more senior Principal with the request to put the information in a sensible form. Other Assistant Secretaries may have their remarks to make. The file may go to another Department for comment. Under-Secretaries, Deputy Secretaries and Permanent Secretaries may add words of agreement and disagreement. The files which preceded the introduction of the great local government reform in 1928, for instance, must have been extremely

bulky. Knotty problems will be discussed by committees. Precisely where in this process the minister comes in depends partly on him and partly on the problem. At the end, however, there lies before him a definite statement of the practicable alternatives, with the arguments for and against each of them. He can see the files if he wishes, but generally there is no need, because the combined wisdom of the Department has brought the question down to an issue where common sense and political *savoir faire* are the qualities required. If he says that he must consult the Cabinet, he makes up his own mind and gets an Assistant Secretary (who perhaps gets a Principal) to state the case in a Cabinet memorandum.

Somewhere and eventually the decision is taken. Then comes the third function, that of execution. The higher the decision goes, the more general it is likely to be, and the greater the need for interpretation. A decision to raise the school-leaving age, for instance, would be taken by the Cabinet. That decision would involve a large number of consequences relating to additional education grants, maintenance grants for scholars, the need of Church schools, and so on. Some of these questions are so important that they would be considered by a Cabinet committee. No decisions could be reached without the same ample preparation. Others could be decided in the Department or by discussion with the Treasury. There might be questions about the school medical service to be discussed with the Ministry of Health. Questions relating to the release of scholars in special cases would be raised by or with the Ministry of Labour. In the Department itself somebody would have to consider the less important questions so as to instruct the draftsman. He in turn would raise points which seemed to him to need settlement one way or the other. There would be discussions with outside persons and bodies—perhaps

the Archbishop of Canterbury, the leaders of nonconformity, the Association of Educational Committees, the National Union of Teachers, and so on. Memoranda would be prepared to form the basis of the minister's speeches: amendments would be examined and reasons given for not accepting them. Finally, when the Bill is passed, the administrative machinery must be set in motion. Regulations must be drafted, circulars sent out, forms designed, proposals from education authorities considered, difficulties discussed and overcome. In very little of all this would the minister take part. There is the same division of functions according to the importance of the issue.

§ 3. *Bureaucracy*

Accusations of "bureaucracy" usually relate to minor aspects of the process. It is said, for instance, that too wide powers can be exercised by the issue of Regulations. It is complained also that differences which ought to be submitted to the courts are handed over to "ministers" (which means "civil servants"). These are important complaints because they involve the rights and interests of individuals. They have been shown, nevertheless, to be based primarily on a misconception of modern administrative law. The State exercises new and wider functions which require quite a different technique of government from that suited to nineteenth-century conditions. The destruction of *laissez-faire* does not imply destruction of the methods used for the administration of private and criminal law, because the old functions remain and nothing suggests that the methods used for their execution were fundamentally wrong. These methods are not appropriate, however, for social insurance, planning, housing, and other twentieth-century functions.

The general problem caused by the growth of State functions is more important. In part it has been met by an increase in the number of Departments, and therefore of ministers; but this raises increased difficulties of co-ordination which are discussed in Chapter VII. In part it has been met by the creation of subordinate Departments. Experiments in this direction have not proceeded far, and apparently they were not considered so successful that the number of cases had to be increased. The first effort was made in February 1916, when the Parliamentary Under-Secretary of State for Foreign Affairs was promoted to the Cabinet as Minister of Blockade. He remained subject to the general control of the Foreign Secretary, because the blockade involved questions of foreign policy, but he was free to take day-to-day decisions within the ambit of the Foreign Office policy. Also, by securing liaison with the Admiralty he was able to remove the many causes of friction which had developed between the two Departments in 1915.

The Ministry disappeared at the end of the war, but in the meantime the Department of Overseas Trade had been set up at the end of 1917. The reason for its establishment was the conflict of opinion between the Foreign Office and the Board of Trade as to who should control the commercial services, overseas-trade commissioners in the British Empire, commercial attachés in British legations, and consuls. Eventually it was decided to put the trade commissioners and the attachés under a new joint Department, though the consuls remained under the Commercial Department of the Foreign Office. The joint Department had at its head a Parliamentary Secretary, who was responsible both to the Foreign Secretary and to the President of the Board of Trade. As Under-Secretary of State for Foreign Affairs he also controlled, subject to the Foreign Secretary, the Commercial Department of the Foreign Office. The

Government decided in 1928, as an economy measure, to abolish the Department. It nevertheless survived until the war of 1939, when it disappeared.

The third Department, the Mines Department of the Board of Trade,¹ was set up under a Parliamentary Secretary in 1920. The then President of the Board of Trade stated that the Parliamentary Secretary "should be in a position of complete responsibility so far as all the routine work of the Department is concerned, and should only be responsible to the President of the Board of Trade in matters which really involve large policy". The proposal was criticised on the ground that ministerial responsibility would be "frittered away". "With that kind of divided responsibility", said Sir Leslie Scott, "the British Constitution will never work." During the next twenty years, nevertheless, the British Constitution did not break down, and the Department remained in being until it was incorporated into a separate Ministry of Fuel and Power. The system does not destroy ministerial responsibility, it makes it more effective; for the alternative is to allow decisions of substantial importance to be taken by civil servants. Far from being reprehensible, it provides a precedent which might be followed. It enables decisions of importance to be taken by ministers without increasing the number of separate Departments and thus aggravating the problems of co-ordination.

During the war, when administration inevitably became heavy, Mr Churchill discovered a new method which has been followed by the Labour Government. This was to allocate "Ministers of State" to overworked Departments. A Minister of State can be allocated responsibility for part of the work of the Department so that the officials can submit papers to him. In the great

¹ There had also been a Petroleum Department of the Board of Trade since May 1940.

majority of cases he will be able to decide on his own responsibility, but if the problem is difficult he will act only after consulting the Minister, for the Minister remains responsible to Parliament. In the Labour Government of 1949 there are two such Ministers, one assisting the Foreign Secretary and one the Colonial Secretary. They are regarded as of Cabinet rank, and therefore have more authority than Parliamentary Secretaries, though they are not in fact in the Cabinet.

There is, however, one very real check which prevents delegation to civil servants from giving rise to bureaucracy. The responsibility of ministers to Parliament means that every decision, even if it is taken far down in the official hierarchy, may be criticised in Parliament. If a member considers that injustice has been done to an individual, or a wrong principle is being applied, he may ask the minister privately for an explanation. If he is not satisfied, or if he chooses not to use this method, he can ask a question in the House. If the answer does not meet his criticism, or if he thinks the subject important enough in any case, he may raise the subject in debate. By these means decisions are brought to the personal attention of ministers and, if they think that the criticisms have any value, they necessarily insist on Departmental investigation. Let us take a few examples at random. On 16 January 1940, the Secretary for Mines was asked about short-time in the pits of Lancashire, the Minister of Shipping about dry-dock accommodation at Newport, the Postmaster-General about licences for wireless sets in military camps, the Minister of Health about a pension for Mr C. F. Mott, and so on. It is possible that none of these matters had received ministerial attention before the questions were put down. Even if a minister gives a soothing answer, if there is any real difficulty there is a Departmental investigation.

Even more important than the fact that questions are asked is the fact that questions may be asked. The minister is compelled to deal with any matter which may be raised in Parliament. A civil servant is compelled to remember that his minister may get into a parliamentary wasps' nest if a decision proves to be unacceptable. The result is generally believed to be, not that the minister decides too little, but that he decides too much. Ministers must not make mistakes; therefore civil servants must not make mistakes. Consequently, it is complained that as compared with private enterprise a service like the Post Office is characterised by timidity. It tends to follow a routine, and where decisions have to be taken such care is shown and such caution exhibited that the whole question becomes wrapped in yards of "red tape". It is strange that many of those who make this accusation often make the accusation of what appears to be the opposite defect, that decisions are taken by "anonymous whipper-snappers" instead of by ministers. There is, of course, some truth in both complaints. It is inevitable that decisions should be taken by civil servants; it is also inevitable that some of them should tend to pass on their responsibility to their superiors, or to give such careful attention to a problem that a decision always comes too late.

There is no real harm in decisions being taken by civil servants. On the contrary, it is a waste of a minister's time to insist on his attention to a problem that raises no political issues. At the same time, it must be remembered that the line between political and administrative decisions is very fine. Moreover, even when the minister takes the decision or puts it before the Cabinet, the civil servants express their own views. It is not to be expected, nor is it to be desired, that officials of this calibre should not. The result is, however, that there is a "Departmental policy" independent of the minister and

the Cabinet. It bows to political decisions, but it has profound effect on them. A minister who has no strong views of his own is almost certain to adopt the Departmental policy. A minister who has views of his own finds that, with the best will in the world, civil servants discover hosts of objections to his proposals when they conflict with their own ideas.

This "Departmental policy" must not be regarded as something formalised. It is not to be found expressed anywhere. It is certainly not a bureaucratic conspiracy. It is simply the product of the collective experience of the senior civil servants and of the bent of their minds. It has been possible to speak of "Treasury orthodoxy" in matters of finance. Indeed, we often hear references to the "Treasury mind". The Foreign Office was alleged to have francophil tendencies during the period when many people were profoundly suspicious of French foreign policy. The Colonial Office has been accused of Arab sympathies in relation to Palestine. It was asserted that the India Office was more sympathetic to Muslims than to Hindus, not for the reason given by the Congress politicians, that Great Britain desired to divide and rule, but because British administrators in India found Muslim culture more attractive than Hindu culture. It is not necessary to suggest that these assertions are true. They can never be proved because the evidence is necessarily too scanty. It is enough to point out that they can be made. It is assumed, in other words, that there is a Departmental policy which persists in spite of changing ministers and changing Governments.

Its importance must not be over-emphasised. No principle is more firmly fixed or more consistently carried out than the fundamental principle that ministers determine policy. When the Government decided in 1932 to turn its back on free trade, the Treasury officials at once put their minds to devising the best possible tariff

system. Not all the pressure from white settlers in the colonies has been able to infringe the principle of the paramountcy of native interests. Mr Arthur Henderson, who was not accustomed to maintain amiable fictions for the sake of politeness, has borne witness to the spirit in which the Foreign Office assisted the change which he made in British foreign policy. Nobody can complain that the civil service has not laboured manfully since 1945 to make a success of the Labour Government's socialist schemes.

The system is nevertheless full of difficulties. Senior civil servants are able men, often more able than the ministers whose orders they take. Their arguments necessarily carry great weight. They would be failing in their duty if they did not frankly point out the difficulties which they foresee. Simple solutions attract politicians who do not see the ramifications of the consequences. It is the business of a Department to prevent a minister from making mistakes. Nevertheless, even the most expert may be wrong. No doubt it is possible now to give a verdict on the policy of "appeasement" which Mr Chamberlain and Lord Halifax carried in 1938. It was not so easy to do so in 1938. Assuming that the Foreign Office was against appeasement—there is little evidence, but it is a reasonable assumption—it is not easy to say precisely how emphatically they should have pointed out its dangers. Moreover, it is not merely a question of reaching a decision. Palmerston showed that, even when a policy has been adopted, it can be ruined by failure to put it into execution enthusiastically. To decide upon appeasement is not enough. Every step taken in foreign policy must be determined by that principle. If those who have the day-to-day responsibility of writing despatches believe that it is fallacious, they will necessarily act hesitatingly. It is certain that they would not try to sabotage a policy, as Palmerston did deliberately

in 1851; but they would occasionally seek to minimise what appear to them to be the probable and undesirable consequences.

The allegation that Sir Robert Vansittart was "kicked upstairs" to the newly created office of Diplomatic Adviser and superseded as Permanent Under-Secretary of State because he agreed with Mr Eden and disagreed with Mr Chamberlain may not be true—he took a large part in the execution of the Munich policy as a member of the Foreign Policy Committee which was mis-named the Inner Cabinet. The fact that it could be plausibly maintained shows the existence of the belief that there may be occasions on which Departmental policy runs so emphatically counter to ministerial policy that a change of officials is necessary if the supremacy of ministerial policy is to be maintained. Similarly, it was alleged that that very able administrator Sir Evelyn Murray was transferred to the Board of Customs and Excise in 1934 because the views which he had formed during twenty years' service as Secretary to the Post Office were an obstacle to the reforms which Sir Kingsley Wood had decided to carry out.

How often problems of this kind arise it is impossible to say. They are capable of arising without reference to changes of Government. They might arise with even greater effect where policy was suddenly changed through a change of Government. Let us suppose that after the Entente Cordiale had been established in 1903 with the enthusiastic support of the Foreign Office, the new Liberal ministers had decided in 1905 that the policy was fundamentally wrong. Could we expect the same enthusiasm from the Foreign Office in carrying out the opposite? The position might be even more acute where a Labour Government succeeded a Conservative Government. The views which Sir Richard Hopkins of the Treasury laid before the Royal Commission on

Unemployment Insurance in 1931 were emphatically condemned by many Labour politicians. The opinions which Sir Maurice Hankey stated to the Royal Commission on Armaments in 1935 ran directly counter to the Labour party policy. These were rare examples of the occasions on which civil service opinion becomes known. It is obvious, however, that many senior civil servants might be profoundly distrustful of Labour party policy. Few of them have personal experience or even knowledge of the segments of society which give the Labour party its ethos. They have been drawn almost entirely from university graduates of past generations—generations which knew not even the limited and highly selective scholarship system which now passes some persons of working-class origin into the administrative class. They have passed their official lives in working a system based essentially on private enterprise. They have lived, so to speak, between Whitehall and Wimbledon. It is reasonable to assume that the Treasury has none of the suspicions of the Bank of England exhibited at Labour party conferences. The Board of Trade may dislike the Mining Association, but it can hardly be unsympathetic to the eminent industrialists and leaders of commerce who from time to time give it assistance.

The answer to these problems has been given since the Labour Government took office. So far as is known, no senior official has been removed to another post or "kicked upstairs" because he could not work with his Labour Minister or help to carry out a Labour policy. There have been a few unexpected appointments, but there is no evidence that they were due to political opinions. Had there been political bias in appointments the Conservative Opposition would not have hesitated to say so: for when Labour supporters were appointed to the new public corporations Conservative members did not hesitate to shout "Jobs for the Boys". Though

the internal stresses and strains of the civil service are very properly never disclosed in public, it would seem to an outside observer that the civil service has adapted itself remarkably well to a new political system.

It is no doubt true that the absence of a fundamental division between the parties has made the process easier. The national insurance scheme was a development of a system which was begun by the Liberals and carried on by the Conservatives. The national health scheme was new and more revolutionary, but it was the kind of scheme which, on a smaller scale, the civil service had been accustomed to handle. The nationalisation schemes are, in the main, developments from various controls and methods of assistance produced by previous governments, while the public corporation system had been exploited on many previous occasions. It is also true that the war provided a period of transition. From a Chamberlain Government to an Attlee Government would have been a startling change. The principal Labour Ministers had, however, been in office since 1940, except for the short period of Mr Churchill's "Caretaker" Government in 1945. Mr Attlee was Deputy Prime Minister, fought an election, and has become Prime Minister.

Nevertheless the experience has shown not only the adaptability of the civil service, but also the firmness of the tradition of ministerial responsibility. It is well that it should be so, for the alternative would be a "spoils" system in which not only would politicians be placed in administrative posts because of their electioneering efforts, but also civil servants would attach themselves to politicians in the hope of securing promotion. The intrusion of politics is the first step towards the intrusion of corruption, as every university administrator who has seen a university under political control knows full well. Britain has avoided these problems, and it has done so

by insisting on two principles which are aspects of the same principle. The first is that the Minister is responsible, morally as well as technically, for every action of his Department and must resign if it is seriously at fault. The second is that parliamentary criticism of a civil servant is fundamentally unconstitutional and objectionable.

CHAPTER VII

CABINET GOVERNMENT

§ 1. *Ministerial Responsibility*

The peculiar contribution of the British Constitution to political science is not so much representative government, which is an obvious solution, as responsible government. Added to representative government, it means that government is carried on by persons who are responsible to the representative House of the legislature, the House of Commons. Responsibility is secured by placing control of administration in the hands of politicians who are either members of or are represented by political subordinates in the House of Commons. So long as there is a House of Lords and ministers are unable to speak in both Houses, it is necessary that a few ministers should be in that House. As the law now stands, at least three ministerial heads of Departments, in addition to the Lord Chancellor, must be peers. This is not a very desirable arrangement, since neither the approval nor the disapproval of the House of Lords has much effect on Government policy, and the political issues are fought out in the House of Commons. Though it is not desirable that a person should be disqualified for ministerial office because he is a peer, he has considerable difficulty in exercising his main function through a subordinate minister in the House of Commons. Naturally, the peers like to have a few senior

ministers in their own House, but the essential political task is in the House of Commons. If the Foreign Secretary is a peer, as in the case of Lord Halifax, the House of Commons is deprived of authoritative expositions of foreign policy, because the Parliamentary Under-Secretary is a mere representative, and an over-worked Prime Minister cannot be familiar with all aspects of policy. Moreover, the effective criticisms of that policy are made in the House of Commons, where the parliamentary opposition is to be found, and it is necessary that the minister should be familiar with the atmosphere in which criticism is made and that he should be on the spot to defend himself. On the other hand, to authorise ministers to speak in both Houses would be to place a substantially increased burden on their shoulders. That burden is already so great that it should not be increased. The real solution is to insist that all the heads of the great Departments should be in the House of Commons, though it would require as a corollary that peers should be capable of election to the House of Commons.

The responsibility of ministers to the House of Commons is no fiction, though it is not so simple as it sounds. All decisions of any consequence are taken by ministers, either as such or as members of the Cabinet. All decisions taken by civil servants are taken on behalf of ministers and under their control. If the minister chooses, as in the large Departments inevitably he must, to leave decisions to civil servants, then he must take the political consequences of any defect of administration, any injustice to an individual, or any policy disapproved by the House of Commons. He cannot defend himself by blaming the civil servant. If the civil servant could be criticised, he would require the means for defending himself. If the minister could blame the civil servant, then the civil servant would require the power to blame

the minister. In other words, the civil servant would become a politician. The fundamental principle of our system of administration is, however, that the civil service should be impartial and, as far as may be possible, anonymous.

Complication arises from the fact that all decisions of real political importance are taken not by ministers as such but by the Cabinet. In normal times, the Cabinet contains all the heads of important Departments. The minister at the head of a Department is, so to speak, the representative of the Cabinet in relation to matters within the jurisdiction of his Department. Consequently, it is never very clear whether the minister is speaking as head of the Department or as the spokesman of the Cabinet. The House is not informed of the distribution of responsibility between the minister and the Cabinet. Often the question is one which in practice is decided by the House of Commons itself. The importance of a question is in large degree a parliamentary matter. If unemployment insurance is refused to John Smith of Rotherham, it is reasonably certain that the Minister of National Insurance knows nothing about it. If, however, the honourable member for Rotherham takes up the matter, it is at once raised to ministerial rank and the minister has to look into the matter. If the whole Opposition takes up the question because it appears to be a gross example of ministerial neglect or political discrimination, then it is almost certain that the Cabinet will have to discuss the matter.

The Cabinet is said to be collectively responsible for the whole policy of the Government, whether it has been brought before the Cabinet or not. This principle assumes that defective administration by or under the control of any minister should be laid to the door not of the minister but of the Cabinet. In practice, however, the principle is never carried so far, because it rests with

the Cabinet whether they shall accept or disown the ministerial decision. If the Cabinet chooses to disown the decision, then the minister alone will resign. If the Cabinet chooses to accept the decision as its own (as appears to have happened when Sir William Joynson-Hicks announced the intention to make the franchise for women the same as that for men), the Cabinet will treat the matter as one of confidence in itself. This choice is open even if the decision criticised was that of the Cabinet itself. For instance, the Hoare-Laval agreement of 1935 apparently had Cabinet sanction; but so great was the popular reaction that the Baldwin Cabinet (which was unusually timid before public opinion) decided to repudiate it. Sir Samuel Hoare was therefore allowed to make himself a scapegoat and to resign his office of Foreign Secretary.

If a decision is supported by the Cabinet, the question becomes one of confidence in the Government. The whips are put on, and members must take the responsibility either of supporting the Government or of risking their resignation or a dissolution of Parliament. In practice, for reasons already given, the party majority supports the Government. No majority Government in recent years has really had cause to fear a parliamentary defeat (not even the Chamberlain Government in May 1940). Accordingly, the decision of the Cabinet to support a minister is really based not on possible parliamentary consequences, but on the effect which the decision may have on public opinion. With very rare exceptions, all questions in the House of Commons are matters of confidence; and what really matters is not the support of the House but the support of the people. Once again, therefore, we find that vocal public opinion provides the fundamental test.

Ministerial responsibility to the House of Commons is thus the means of assuring that government is in tune



with popular opinion. A responsible government cannot be a bureaucracy; and it is for that reason that emphasis is laid so strongly on the principle that for the decision of a civil servant some minister must be responsible. It is true that there have been many recent examples of bureaucratic instruments deliberately established in order to avoid ministerial responsibility. The new public corporations set up under the legislation of the Labour Government, for instance, are deliberately given a large amount of independence. They are made subject only to "general directions" from their appropriate Ministers, who refuse to answer detailed questions in Parliament even where they have the power to ask for information. They consider that nationalised industries should be as independent of political control as competitive industries, so far as day-to-day administration is concerned, and that only general policy should be under ministerial and therefore parliamentary control. The National Assistance Board provides another example established for a different reason. It was thought that the discretion of granting National assistance allowances should be completely divorced from political control. The principles upon which discretion was exercised, as set out in the Unemployment Assistance Regulations, should receive the approval of Parliament (though Parliament should have power only to accept or to reject, not to amend). It was also thought that the amount of money to be made available to the Board should be under parliamentary control. But it was desired that the administration of discretion in individual cases should be freed from political influences.

This second example exhibits a suspicion of Parliament which has never been justified. It may have been true that when the "means test" was imposed by local authorities the principles upon which they operated depended on their political opinions. There is no evi-

dence, however, that they discriminated among recipients according to their politics. Still more certain is it that Parliament could not be an instrument of political discrimination among individuals. That a Labour majority would favour higher rates and a more generous discretion than a Conservative majority is obvious; but there is nothing in the position of the National Assistance Board which prevents the House from determining general policy. It must always be remembered that the decisions of the House are the decisions of the Government. The Government whips are put on, and the majority votes with the Government. If there were individual discrimination, therefore, the Government would be responsible; but nothing is more certain than that any Government which attempted to discriminate in this way would lose heavily at the next general election. There is no "corruption" in the wide sense in which that term is used in North America, because the electorate has been educated for a century in "clean politics". Any Opposition would be delighted to receive a single example that it could put on every hoarding and repeat in every election speech. In fact, therefore, the National Assistance Board has been a complete failure as an "independent" institution. It is neither more nor less subject to political control than the Ministry of National Insurance would be, and the only result of its "independence" has been to create a fruitful source of inter-Departmental conflict. If anything goes wrong, the officials of the National Assistance Board blame the officials of the Ministry of National Insurance, and the officials of the Ministry blame the officials of the Board. This result was inevitable, and those who knew a little about British constitutional history freely forecast it before the Board was set up.

It is also necessary to emphasise that ministerial responsibility means only that a politician must be able

to answer in the House of Commons for every act of administration. Emphasis is necessary because "ministerial responsibility" has become a slogan which is regarded as being a reason in itself, and the reason behind it has been forgotten. When, for instance, proposals have been made for vesting minor decisions in Parliamentary Secretaries, or for vesting major decisions in "Super-Ministers", the opponents have at once brought out the slogan. The fact that the Secretary for Mines, before the creation of the Ministry of Fuel and Power, used to answer for matters within his Department instead of the President of the Board of Trade did not infringe ministerial responsibility. On the contrary, it made it more effective: for, if there were no Mines Department, there would be a Mines sub-Department. In other words, decisions taken by a junior minister would be taken not by the President of the Board of Trade but by the Under-Secretary at the head of the sub-Department. The House would be able to question the President of the Board of Trade, but the effective decision would be taken by a civil servant. The result of creating the Mines Department was that Parliament could criticise a minister who in all probability had himself taken the decision. Similarly, the fact that Mr Churchill was Minister of Defence did not detract from ministerial responsibility but increased its efficacy. Instead of asking three separate ministers to answer for the major problems of the co-ordination of defence, the House could ask the Prime Minister, who has had them under consideration. The effect of placing major responsibility in the Prime Minister as Minister of Defence was, in addition, to enable the three ministers in charge of the Defence Forces to control administration in more detail. They could thus answer more questions on the basis of their own knowledge. Ministerial responsibility does not mean undivided responsibility—it is always

shared at least between the minister and the Cabinet; it means only political responsibility. The more ministerial responsibility is divided by adding to the number of ministers, the more effective the responsibility; though, of course, every new division adds to the problem of co-ordination.

§ 2. *The Cabinet*

The Cabinet can always have the last word. In peace time most of the items on its agenda are brought up from the Departments. In the normal process of government problems of a political order are met, new projects are considered, perhaps new legislation is required. Every Department concerned with the social and economic life of the country has in its pigeon-holes projects for reform which it is anxious to carry through when money and parliamentary time can be found. Even when there are no "iron curtains", questions of foreign policy have to be considered. Somewhere within the far-flung borders of the Commonwealth there are problems requiring immediate solution. No change or development of policy of any importance would be carried out without Cabinet sanction. If it required much money, the Treasury would certainly require prior Cabinet approval. If legislation were needed, the Cabinet must certainly decide upon it. In any other case the minister concerned would consider whether he could take the responsibility alone; and if he were in doubt he would consult the Prime Minister.

The Cabinet is also the court of appeal where two or more Departments differ about matters which affect them both or all of them. Administration does not fall neatly into thirty sections, in such a way that no dispute can exist as to the bounds of Departmental activity. Indeed, nearly every important problem cuts across

take the form of cross-talk in the Cabinet unless it is impossible to reach agreement outside the Cabinet. The status of the Prime Minister, also, has so far advanced that, in consultation with the ministers, he can reach decisions which are not sufficiently important to be brought before the Cabinet. Finally, the Cabinet makes constant use of committees, both to reach substantially agreed proposals and to see that a decision reached in principle by the Cabinet is carried out in detail by the Departments.

The pressure upon ministers arises not from long and complex discussions in Cabinet, but from the numerous Departmental questions which they have to settle, from the burden of numerous committee meetings, from the increased demands of Parliament and of the party organisations, and above all from the variety and importance (rather than the number) of the decisions which have to be taken in Cabinet. By the time that a question reaches the Cabinet it has been reduced to first principles. The documents circulated are neither long nor numerous, particularly if we omit the Foreign Office despatches, which are circulated for information and not for decision. Nevertheless, to decide such questions as those relating to the Berlin airlift, the Marshall Plan, the nationalisation of iron and steel, the defence of Hong Kong, riots in the Uganda, relations with the Republic of Ireland, and the rest, is no easy matter. A statesman's life is not a happy one. He has to determine issues of the most profound political and social significance on what must inevitably appear to him to be inadequate information. Necessarily he must rely upon the Departmental ministers and the Prime Minister. They, in turn, must lean heavily on their advisers. It is not work but worry that ages Cabinet ministers—though it has been said that some of them are an unconscionable time a-dying.

The nature of this task gives some indication of the qualities which ministers should possess. Obviously they must be of wide general understanding, capable of seizing quickly the essential points of a problem, and able to give a rapid decision. These qualities are essential for effective decisions, whether in the Department or in the Cabinet. They are included in that elusive but well-understood quality known as "judgment". Not all ministers possess it, and often it is the least prominent ministers who do, with the result that there are always members of the Cabinet whose presence is deemed essential by successive Prime Ministers, but whose qualities are rarely understood in the House of Commons. Among the most prominent ministers who appear to have had it during the past fifty years are Balfour, Campbell-Bannerman, Haldane, Baldwin, and Arthur Henderson. It must be emphasised, however, that sometimes it is possessed by the least prominent.

At least as important is such a knowledge of human nature as enables a minister to choose and rely on able assistants, whether ministers or civil servants. Judgment of this kind does not necessarily go with judgment in the realm of events. Of the statesmen mentioned above only Balfour and Arthur Henderson possessed both in any marked degree. Joseph Chamberlain and Lloyd George possessed judgment of men but were deficient in judgment of events. The quality of judging events, in fact, often goes with lack of initiative and imagination. This is not necessarily a defect. In a Prime Minister in peace time it is probably an advantage. In ordinary administration, when no serious problems have to be faced, the good administrator requires sound common sense rather than a fertile imagination. An imaginative minister is probably a volatile minister, like Lloyd George and the two Churchills. Gladstone was not exactly volatile, but he went too fast for his

colleagues and his public—though not even 1886 and the last gasp of 1893 can deprive him of his pre-eminence. Peel, the model Prime Minister, had no imagination. Joseph Chamberlain had not much imagination, but he had restless energy which caused more difficulty than all his qualities could offset. Disraeli's imagination fortunately spent itself in dreams, except in foreign and imperial policy, where it produced little wars and might have produced a big one. In war time, on the other hand, imagination and initiative are necessary. At such times the Salisburys, the Asquiths and the Neville Chamberlains ought to be retired, unless they deliver the effective conduct of the war to the Disraelis, Joseph Chamberlains, Lloyd Georges and Winston Churchills.

"Judgment" usually makes a person a good committee man, and this is an essential quality. Yet persuasive committee men are sometimes deficient in judgment. Birkenhead was a little unstable, but an extremely good committee man. Kitchener was not only a bad administrator but a worse member of a committee, because he could neither make his own case nor answer the case put by another. Balfour, on the other hand, was extremely good.

Finally, it must be remembered that ministers are not only administrators but also politicians. They must be convincing in the House of Commons and persuasive in the country. These two qualities generally go together: yet sometimes they are distinct. Gladstone was extremely good both in Parliament and on the platform, but Disraeli was more at home in the House. Joseph Chamberlain was, in a very different way, an able debater and a good platform speaker. Many Labour politicians, however, fail in the House of Commons because their good platform technique is quite unsuited to the House. Ramsay MacDonald was, until about 1929, a political orator of the first class, but he was not

effective in the House. The atmosphere is different, interruptions are more frequent, and they require answers, not appeals to the gallery. Peel, who was no orator, was very effective in the House, as even Disraeli admits. In these days, too, we must not forget the influence of the wireless. Baldwin was good and Snowden devastating. Readers can judge for themselves among His Majesty's present ministers. It is particularly important that the Prime Minister, in normal times, should have all the virtues, because his personality plays a large part in an election campaign. One can only ask what might have been the result in 1935 if Gladstone or Disraeli had led the Opposition.

The position of a Prime Minister is, however, peculiar, and it is considered more particularly hereafter. The question which we must now ask is whether the nation obtains the ministers that it requires. The primary consideration is that, except for a few peers, they are all drawn from the majority in the House of Commons. The quality of the ministers thus depends on the quality of the majority. Difficulties in this respect have already been mentioned. The standard of intelligence and ability in the House of Commons is higher than it is in the country generally, but it is not as high as it is in the administrative class of the civil service or in the top ranks of the professions or even—though this is more doubtful—among the ablest business men. The prizes of political ambition—power and prestige—are great, and they attract some of the ablest in the country: but it is always true that, outside a handful of members who “choose themselves” as ministers, almost any member would do equally well and equally badly.

Moreover, the choice rests with the Prime Minister. It is, of course, his business to choose a Cabinet which will work as a team, and to choose junior ministers who can work with their political superiors. Randolph

Churchills, Harcourts and Joseph Chamberlains usually have to be appointed; but they, and others of the same kind though less able, can be a serious nuisance to the unity and the efficiency of a Cabinet. Where it is politically possible, such misfits have to be avoided. A weak Prime Minister, or a Prime Minister with little appreciation of human qualities, may nevertheless mistake criticism for obtrusive ambition or lack of team-spirit. Ramsay MacDonald was both weak and ignorant of men, and his efforts at team-making were extremely poor. They would have been worse if there had not been so many Labour members whose standing in the party compelled appointment. Where no such obstruction exists, such a Prime Minister is apt to choose colourless "yes-men". The path to political preferment passes through the field of party orthodoxy.

This situation is the more dangerous because, normally, ministers reach the Cabinet through junior offices. It is desirable that it should be so, because the House of Commons is generally a good judge of a minister, and one who does well as Parliamentary Secretary can usually be relied on to make a good Cabinet minister. If, however, junior ministers are members who have always voted straight, who have never opened their mouths except to bleat adulation, and whose title to promotion is that they have politely and unobtrusively carried messages as parliamentary private secretaries for some years, the more able but less compromising members never secure the training which will fit them for the Cabinet. The difficulty must not be exaggerated. The casual reader of newspapers need not be surprised that he knows the names of some private members and has never heard of half the Parliamentary Secretaries. The publicity-monger and the charlatan, the loud-mouthed and the gentleman of one idea, may secure a reputation outside Parliament when they have none in the Chamber.



They supply "news" because they are obstreperous; and they are frequently obstreperous because they get their names in the papers. Nevertheless, there are in every Cabinet some ministers who surprise everybody except themselves that they have climbed so high. It is not that they are bad ministers, but only that they are very, very ordinary.

Nor must it be forgotten that Prime Ministers are no longer assiduous parliamentary listeners. They have far too much to do, and the Gladstonian tradition has gradually disappeared. In some degree the Prime Minister must rely on the whips, and the whips like members who speak when they are spoken to and vote when they are told. In other respects, he is apt to know of those who have famous names or have connections in Society. Austen Chamberlain did not get his first step up because of his qualities, substantial though they proved to be, but because he was the son of Joseph; and there have been much more flagrant examples.

The problem is not so acute as it might be, because the standard of the majority is usually high enough to produce a few leaders and a general competence among the other ministers. A Joseph Chamberlain thrusts himself into office, but the choice of *A* rather than of *B* usually makes very little difference. Moreover, it has been said already that the House is usually a good judge of a minister. Mere cleverness does not succeed, nor does mere oratory. What brought Gladstone to the front was not his roaring torrent of words, but his obvious grasp of the problems of trade and finance. Not all the social prestige nor all the arts of publicity can persuade the House that an eminent nincompoop knows his business. A Prime Minister is bound to choose the really able, and grumbling in the lobbies and criticism in the House prevents him from backing all his private fancies.

§ 3. *The Prime Minister*

The Prime Minister holds the key position in the British Constitution, and nearly all recent developments have tended to increase his authority. The extension of the franchise, added to the prestige which Gladstone and Disraeli conferred upon the office, have given him a status almost comparable with that of the President of the United States. A general election is in reality the election of a Prime Minister. The elector has a choice between Gladstone and Disraeli, Salisbury and Rosebery, Balfour and Campbell-Bannerman, Asquith and Balfour, Lloyd George and Asquith, Baldwin and MacDonald, MacDonald and Henderson, Churchill and Attlee. A party which has not a leader is in a hopeless position, and a party with a weak leader in a weak position. Indeed, in the Conservative party the leader is the party, for he controls the party organisation and is in command of its funds.

The support which he thus obtains is a party support, but it is a party support concentrated in the leader. The parliamentary majority is a party majority, but it owes allegiance to the leader, and it is spoken of as his majority. It is common to refer to his position in the Cabinet as *primus inter pares*; but this description is now far from being true. He chooses the ministers and determines which of them shall be in the Cabinet. It is true that certain of his prominent supporters choose themselves, but often he is in a position to ignore some of them. Mr Chamberlain could keep out Mr Churchill and Mr Amery, though Mr MacDonald could not keep out Mr Henderson. If he thinks fit, he can ask a minister to resign. He can shuffle his pack as he pleases. He alone determines whether and when Parliament shall be dissolved. It is extremely difficult to turn him out. The party majority must hold together, because if it

does not it will probably put the Opposition into power. Some ministers may resign, as Mr Eden, Mr Duff Cooper and Mr Hore Belisha resigned after Mr Chamberlain came to office: but they are unlikely to desire to split the majority, and they can do no more than give more or less friendly advice, and more or less detached criticism, from below the gangway. A party which has a leader must usually bear with him; and if the Conservative party is in office, it is the King and not the party that chooses the leader.

It is true that the Prime Minister cannot exercise that oversight over Departmental business which Peel exercised. The functions of government are too vast. Nevertheless, he has what is called a "special responsibility" for the whole policy of the Government. Though the Labour party has consistently criticised the growing power of the office, it has done more than any to increase it. No doubt Mr Chamberlain took a more exaggerated view of his functions than any Prime Minister since Mr Lloyd George, and no doubt also the foreign policy which had been the most important branch of government since 1936 was his policy until it turned to dust in March 1939. Nevertheless, the Labour Opposition consistently followed the practice of charging Mr Chamberlain with all the alleged faults of his Government. There was a similar tendency under Mr Baldwin, but his alleged "laziness" (which consisted in large degree of leaving to Departmental ministers matters which were not of primary importance) prevented the practice from completely submerging the personalities of his ministers.

The office is necessarily what the holder chooses to make it and what the other ministers allow him to make of it. His powers are large, but he has to secure the collaboration of his colleagues. Neither Salisbury nor Balfour could (even if they had so desired) have

prevented the limelight from falling on Joseph Chamberlain. On the other hand, not even he could take the centre of the stage while Gladstone was behind the footlights. Rosebery's Government descended to futility because the Prime Minister was not strong enough to control Harcourt. Campbell-Bannerman, on the other hand, increased his strength in the long years of desolate opposition until he became capable of managing even the strong team that took office in 1905.

The office really requires varied and quite inconsistent qualities. On the one hand, the Prime Minister as party leader must have a strong personality, capable of dominating the political scene and inspiring confidence in a suspicious electorate. The issue before the country while Gladstone was alive, even when he was not leader of the Liberal party (as in 1880), was not whether there should be a Liberal Government, but whether he should be Prime Minister. None of his successors, except Mr Churchill in 1945, has occupied such a position, though Lloyd George approached it in 1918. On the other hand, what is wanted in the Cabinet is not a dominating personality but a good chairman. Gladstone was not a good chairman because he tended to be the whole committee. He always had a policy of his own, and therefore tended to concentrate on some aspects of government instead of supervising the whole. If he had been less concerned with his pet projects, he would not have allowed Gordon to be sent to Khartoum; if Gordon had been appointed, he would not have let him die through disobeying orders. It is true that Gladstone made few mistakes of this order, but the example shows the danger. Indeed, a Prime Minister in peace time ought not to have a policy. If he has able ministers, he ought to rely on them, and policies should come from Departmental ministers, assisted as they are by all the knowledge and experience that their Departments can offer. The qualities which made Lloyd George a great Prime

Minister in war time made him a disastrous Prime Minister in peace time, when Curzon at the Foreign Office was "almost an Under-Secretary". Salisbury would have been a better Prime Minister if he had not also been Foreign Secretary—and perhaps there would have been no Boer War. Some think that in 1945 the electorate showed remarkable understanding in cheering Mr Churchill as a great war-time leader and at the same time turning him out of office.

The best chairmen have in fact been those who had the least popular appeal. Sir Austen Chamberlain—who served under five Prime Ministers from Balfour to MacDonald—once told the present writer that the best of them was Balfour, and there is other evidence to the same effect. Balfour's reputation has suffered because he had a difficult task even while Joseph Chamberlain was in the Cabinet pressing tariff reform; it became impossible after Chamberlain was let loose in 1903. Moreover, he was Prime Minister of a Government which had snatched a huge majority out of the apparent end of the Boer War. Even if the tariff reformers had not assisted its decline and fall, it would certainly have been heavily defeated in 1905. What Sir Austen Chamberlain meant was that Balfour was superb at keeping a discussion to questions of principle and drawing a conclusion out of it if a conclusion was to be reached. The difference between Balfour and Gladstone was the difference between a driver who keeps his team going hard even when they want to bite each other, and a driver who lets his team loose and pulls the carriage himself.

Nor are the Prime Minister's conciliating and encouraging functions limited to the Cabinet. A minister needs an experienced political adviser whom he can consult. Balfour was prepared to listen, consider, and advise. Baldwin was prepared to listen, but generally let the minister decide for himself. MacDonald was not

prepared to listen and was incapable of advising. Lloyd George wanted to do all the talking. Moreover, if the Prime Minister is to keep control and to exercise properly his Cabinet function of leading the discussion to a conclusion, he must not only be ready for consultation, he must also take the initiative. MacDonald realised the need for informing himself, but he had a dislike of most of his colleagues, including Snowden and Henderson, and he was hardly on speaking terms with them. He tried, therefore, to compensate by reading endless documents. As a chairman he was fully informed, but there was not that confidence between Prime Minister and colleagues which makes for effective decisions.

The position is quite different in war time because then one aspect of policy (though it has many facets) dominates the whole political scene. A Prime Minister with a policy, or capable of forming one by consultation, is therefore desirable. He thus requires a forceful personality, capable of securing rapid and effective action. He ceases to be a mere chairman or co-ordinator and becomes chief of a vast war machine. He is, in other words, no longer chairman of the board of directors of a holding company, but managing director of an even larger operating company. It is therefore obvious that the qualities required are quite different. Pitt was no great success even in the conduct of what, in the eighteenth century, was called "war". Peel would probably have been a failure because, though a great administrator, he took years to assimilate a new idea. Gladstone would have been a great war minister and Disraeli even a greater, provided that he had had subordinates who paid attention to detail. Campbell-Bannerman and Balfour would have been quite ineffective, while Joseph Chamberlain would have been excellent. Asquith was poor, even before his son's death, while Lloyd George was a success.

§ 4. *Co-ordination*

Peel's Cabinet of 1841 contained fourteen ministers; but of these five had no serious Departmental duties. Outside the Cabinet were five ministerial heads of Departments; but of these only the Chief Secretary for Ireland, the Postmaster-General and (perhaps) the Chief Commissioner of Land Revenue, had real Departmental duties. Thus, the Prime Minister and the Cabinet had to co-ordinate the activities of at most twelve Departments. Moreover, each of these Departments had much less work to do than is now the case. It has also to be remembered that, while the Government had Ireland on its hands, in other respects the range of its interests was smaller. India was governed by the East India Company, and the function of the President of the Board of Control, who was in the Cabinet, was primarily to act as liaison between the Government and the Company. Also, the Army was governed from the Horse Guards, and the functions of the Secretary at War, who was in the Cabinet, were primarily financial. Complete control over the Army was not taken until 1895. Since Departmental work was much smaller, ministers could decide a high proportion of Departmental questions; and since the functions of government were fewer, the Cabinet could decide every problem of any importance.

In 1949 the Cabinet contained seventeen Ministers and outside the Cabinet were fifteen "Ministers of Cabinet rank" as well as forty-one Parliamentary Secretaries. Of the seventeen Cabinet Ministers five (the Prime Minister, the Lord President, the Lord Privy Seal, the Lord Chancellor and the Chancellor of the Duchy of Lancaster) had no very heavy Departmental duties, though they had other duties most of which were not in existence, or were of small importance, in 1841.

If for the time being we use the term "Departmental ministers" to cover only those who have substantial functions as heads of Departments, the change may be expressed by saying that the number of such ministers had increased from twenty to twenty-five. Some of the new Departments had the heaviest duties to perform, since they included the Air Ministry, the Board of Education, the Ministry of Health, the Ministry of Labour, the Ministry of Food, the Ministry of Supply, the Ministry of National Insurance, the Ministry of Fuel and Power, and the Ministry of Transport. The number of civil servants had increased from 40,000 to 700,000 and the national expenditure from £50,000,000 to £1,600,000,000.

The functions of government do not fall nicely and conveniently into twenty-five sections. The actions of one Department may require the collaboration of several more. It is easy to find examples. The landing of troops in Norway and the withdrawal from Dunkirk required the intimate collaboration of the Admiralty, the War Office and the Air Ministry. It required also money from the Treasury, ships from the Ministry of Shipping, transport within Great Britain from the Ministry of Transport, equipment from the Ministry of Supply, and food from the Ministry of Food. Such collaboration is needed, also, not only at the moment of decision and afterwards, but long before. Nobody had, before the war, contemplated that British troops might be landed in Norway; but in the preparation for the event of war it was necessary to assume that an expeditionary force might have to be landed somewhere under the eyes of the enemy, and to make skeleton plans accordingly.

Another example may be drawn from the post-war housing problems. The primary responsibility rested with the Ministry of Health, but many other Departments were concerned. The site of a housing estate was the concern of the Ministry of Town and Country

Planning and access to it of the Ministry of Transport. The supply of labour depended on the policy of the Ministry of Labour and the supply of materials on that of the Ministry of Supply. In certain cases, at least, building would be undertaken by the Ministry of Works, but the responsibility for gas and electricity would rest on the Ministry of Fuel and Power. If after all this the estate was completed, the Ministry of Education would require a school, the Postmaster-General a post office, the Ministry of Food a food office and the Ministry of National Insurance an employment exchange. Aboveall, the Treasury would have to find the money. If to these we add the local authorities, the Area Gas Board, the Electricity Authority, the National Assistance Board and all the other authorities concerned, the problem of co-ordination becomes obvious. When it was suggested that there might be a Ministry of Housing it was replied that it would be the fifth wheel of the coach; actually it would be the extra leg of the centipede.

Co-ordination is one of those magic phrases which are apt to be on everyone's lips but which few care to take the trouble to define. For instance, in a debate on economic co-ordination on 1 February 1940, the Government's critics were considering different aspects of the problem. Mr Chamberlain thought that he was answering them when he pointed out that they were asking for different things, though in fact he was merely demonstrating that co-ordination was lacking on several different levels of administration. Co-ordination machinery is designed to fulfil several different functions and, though they are closely connected, it is wise to take them separately.

(1) *Overlapping of Powers*

Theoretically, each Department should be doing different things. Two Departments ought not to be in a position to give contradictory orders, nor should it be necessary for an individual outside to approach two Ministries to obtain permission to do a certain act. In practice, it is very difficult to separate powers precisely. For instance, the Ministry of Town and Country Planning is concerned with planning; but planning involves the planning of roads, and the Ministry of Transport is concerned with roads. Again, the Ministry of Agriculture is concerned with food production; but food is produced for distribution and the Ministry of Food is concerned with food distribution.

There is far more involved in these examples than a question of overlapping of powers, but they show how necessary it is to define the powers closely in the first instance. Theoretically, this particular problem is not difficult. In peace time powers are conferred by legislation which is approved by the Cabinet. The Cabinet is thus expected to prevent overlapping. In war time, however, the powers are taken by delegated legislation—by Orders in Council under the Emergency Powers (Defence) Acts or by rules under Regulation 55 of the Defence Regulations, 1939, which in turn was an Order in Council issued under the Acts. Something like 2500 Orders and Rules were issued in the first few months of the late war. Possibly they all went to the Cabinet, but it is extremely unlikely that they were all read by any single person whose function it was to see that powers were precise and accurate.

(2) *Encroachment*

Even if powers appear to be distinct and without overlapping, they must be expressed in general language. They are interpreted, however, by the Departments themselves. "Under S.R. & O., 1939, No. 2000," a Department may say, "we have power to stop so-and-so from doing this sort of thing." It is possible, however, that "so-and-so" has already approached another Department and has received permission to do what he wants to do, under, say, S.R. & O., 1939, No. 2005. It may be that the two Orders are quite distinct in their terms but are capable of being interpreted so as to give one Department power to prevent and another Department power to permit. It is easy to conceive of confusion in this respect between the powers over wheat production possessed by the Ministry of Agriculture and the powers over flour milling possessed by the Ministry of Food.

If he thought fit, "so-and-so" could challenge before the courts the validity of the former Department's refusal; but no one likes litigating against a Government Department, and indeed only a wealthy corporation with much at stake would run the risk of being taken from the High Court to the Court of Appeal, and perhaps to the House of Lords. In any case, these august bodies may not have completed their deliberations before the need had disappeared; and certainly the harvest will have come and gone.

(3) *Duplication*

The example given in the previous paragraphs might have been a perfectly proper exercise of quite distinct powers. The one Department might have given permission because, so far as it was concerned, there was no objection; the other might have refused because, so

far as it was concerned, there was objection. The reason would be that the problem had to be considered in two aspects, and "so-and-so" ought to have applied to both. For instance, if Jones wishes to build a house by the side of a main road in an area for which a town-planning resolution is in existence, he would have to apply for permission to both the county council and the district council. If both refused, he would need to appeal both to the Ministry of Transport and to the Ministry of Town and Country Planning. The former might allow the appeal because, from the angle of road safety, there was no objection; the latter might reject the appeal because the building would be unsightly or would interrupt the view, or would demand unnecessary extension of water mains and sewers. "Ribbon development" is not a problem of road safety alone; it is, in addition, a problem of uneconomic health services. It is, therefore, the concern of two Ministries.

Examples of inevitable duplication of this kind are numerous. For instance, the Ministry of Education is concerned with the health of school children because empty stomachs mean empty heads and bad eyes or bad teeth mean bad education. School children are, however, part of the ordinary population whose health is the concern of the Ministry of Health. Moreover, the children may be starved or diseased because their fathers are unemployed and are receiving insufficient assistance from the National Assistance Board, whose scales are the concern of the Ministry of National Insurance. We could, in fact, start another line of connections, showing that the Ministry of Food was to blame because it was allowing prices to rise; the Ministry of Food would blame the Ministry of Transport, the Ministry of Transport would blame the Treasury, and so on.

The point here is, however, that two Departments may

be concerned with an application from the same person to do a single act because that act has two aspects. It would be much simpler, cheaper and more expeditious if he could make one application and leave the two Departments to settle the question in respect of both of its aspects. For instance, it is unnecessary for an application for ribbon development to be considered by two inspectors at different sittings, involving two arguments by lawyers, two sets of costs, two payments for the hire of rooms, and so on.

This kind of duplication is obvious to persons outside the Government service, but there may be other examples not so obvious. For instance, the Foreign Office requires information about public opinion overseas. During the war for this purpose it had representatives overseas who telegraphed summaries of newspaper opinion. It had also an organisation based on the Royal Institute of International Affairs (Chatham House), which summarised newspaper opinion. The prevention of overlapping was an internal question for the Foreign Office. The Ministry of Information, however, must have information about public opinion in neutral countries if its operations are to be successfully conducted. It would be wasteful to have one "Chatham House" for the Foreign Office and another for the Ministry of Information. The B.B.C. has a foreign news service which similarly must take account of foreign opinion. Clearly, there ought not to be yet another "Chatham House" for the B.B.C.

(4) *Competition*

The Departments are large purchasers of commodities. Except where the commodities are requisitioned, they compete in the open market. This may mean that they compete with each other. For instance, the Army, the Navy, the Air Force, the Post Office, the Ministry of

Works, the Ministry of Transport, and many more, all require motor vehicles. The three Defence Services (which, in the case of the Army and Air Force, means the Ministry of Supply) require machine guns, ammunition, food, fuel, huts, and so on. It would be wasteful and ridiculous for Government Departments to bid against each other. Moreover, it is not only a question of preventing competition. If, for instance, the Royal Marines and the Army used different kinds of rifles, costs would be put up because manufacturers would have to follow different designs for the provision of the rifles themselves and all their parts, and also for the provision of ammunition. Stocks available for the one would not be available for the other.

Again, there may be competition for man-power as well as competition for commodities. Not only might there be competition among the Defence Services, but also a competition between the Services and other Departments. One of the weakest points of our organisation in 1914-18 was that the Army was using for the front line, or for fatigue duties, skilled men who were urgently required at home.

(5) *The Application of Inconsistent Principles*

"Policy" is usually said to be a matter for the Cabinet. It has already been pointed out, however, that there is a policy at each level of administration. The Cabinet decides policy in very general terms. For instance, the Cabinet may decide that two new battle-ships shall be built, at a cost estimated by the Treasury and the Admiralty in consultation at £20,000,000. If the Treasury and the Admiralty had agreed on a cost of £19,500,000 or £20,500,000, however, the Cabinet would have agreed as readily. The difference of £500,000 is not a Cabinet question unless the two Departments disagree.

There is, nevertheless, a policy involved in the £500,000, which is regarded by the Cabinet as an inter-Departmental matter so long as the Departments are agreed. Having obtained Cabinet sanction for £20,000,000, the Admiralty proceeds to elaborate plans (though in fact the outline will be clear already because it was necessary to make a rough plan in order to estimate the cost). If the Board of Admiralty decides to build one costing £10,500,000 and another costing £9,500,000, it is unlikely that the Treasury will raise objections: this is a purely Departmental question. Further, the armament to be provided is the concern of the Board of Admiralty; but within the lines which they decide upon the Fourth Sea Lord would have wide discretion. Moreover, though the Fourth Sea Lord would approve the terms of the contracts, there is plenty of scope for discretion by his junior officers.

The fact is that wherever there is a discretion there may be a policy. If there is not, there ought to be, because decisions ought not to be taken except in terms of some consistent principle. Discretionary powers are exercised at least as far down in the civil service as the Assistant Secretaries and frequently much further. Where different Departments are dealing with cognate subjects, however, the principles applied in the exercise of discretionary powers are quite likely to conflict. This is especially clear in economic matters, since a nation's economy is a unit and, indeed, is merely part of world economy. The details of a commercial agreement with Spain, for instance, will be the concern of officials in the Treasury, the Board of Trade, the Ministry of Supply, the Ministry of Food, the Ministry of Transport, and perhaps the Foreign Office.

The Defence Services, however, provide the most obvious examples. The Air Force and the Navy assist the Army, the Army assists the Air Force and Civil

Defence. The Air Force assists the Navy. This means that at every stage of administration, from the Cabinet down to the individual company, squadron or ship, there may be need of collaboration. If at any stage there is inconsistency in the principles adopted, there may be confusion, loss of life, or an enemy success.

(6) *Major Policy*

The major principles of policy are determined by the Cabinet. Here, it would seem, there is co-ordination and no need to discuss the point further. It is, however, just at this fundamentally important stage that co-ordination may be weakest. The need for co-ordination of the kind illustrated above has been realised, whereas even Cabinet ministers have failed to realise that often it is in their own activity that the system is weakest. Careful examination of Mr Chamberlain's speech on economic co-ordination on 1 February 1940 reveals that he was thinking in terms of inter-Departmental disputes. He gave a long account of the many devices used to settle these problems. He did not meet the criticism of the Opposition because they were thinking in terms of major policy. His view of co-ordination was arbitration between Departments; their view of co-ordination was the formulation of economic policies which needed execution by several Departments. The criticism was summarised in the statement of *The Economist*¹ that "the Government have no apparent policy on prices, wages, labour mobilisation, exports or finance": or, in other words, each Department was left to decide without an overriding Cabinet policy.

Proposals on major policy come to the Cabinet from two sources. First, they may be brought up by Cabinet ministers themselves and be derived, so to speak, from

¹ Vol. 138, p. 133.

the ministers' own heads. Most ministers are not noted for original ideas, and few of them have time to think. Indeed, when a minister was appointed during the depression to exercise the function which caused him to be called "Minister for Thought" he found that he had so little to do that he resigned. Nevertheless, many ideas come in through ministers' heads even if they do not originate there. Criticism in the press, and still more often in Parliament, is accompanied by suggestions, often futile but occasionally fruitful; as to the policy to be pursued. If an obscure professor has an idea, for instance, he does not approach a minister. If he has a friend in the relevant Department, he may develop it over luncheon—though this method has the disadvantage that the friend is probably not authorised to make suggestions on this line of policy and can make it effectively only by having another friend to luncheon. Alternatively, the professor may write a memorandum for a member of Parliament and hope that the member will "catch the Speaker's eye" at one of those rare moments when a Cabinet minister is listening, that the member will not bowdlerise the suggestion, and that the Cabinet minister will understand it and will remember it if he does. Much the best plan, however, is to write an article for some journal of opinion, where it will be read by civil servants, by members of Parliament looking for material for speeches, by other journalists looking for material to write about, or even by Cabinet ministers. This last process is slow, but, if the idea is a good one, usually effective, because a "public opinion" is created.

In fact, however, ideas rarely become policies by this route. It is a long and exhausting journey, as the history of any great policy—like franchise reform, the repeal of the Corn Laws, Home Rule, or even the United Nations—shows. More often, the policy comes from a Department. More often than not, of course, the policy

comes to the Department from outside. Civil servants are even busier than ministers, and the Treasury does not approve of people who sit and think because it fears (perhaps rightly) that they are more likely just to sit. However, the Departments have in recent years experimented with advisory committees, and even with Economic, Industrial and Diplomatic Advisers, and policies are often based on special investigations by Royal Commissions, Departmental Committees, and the rest.

Let us suppose that X, an Assistant Secretary in the Board of Trade, has a bright idea. He gets his assistants to work it out in the form of a memorandum. He then puts it before his immediate superior, who consults the minister. It then goes to the Treasury, where it goes down to an Assistant Secretary and up again, with the result that "My Lords" do not disapprove. It involves, however, the collaboration of six other Departments, and so it goes to six ministers to go down to six Assistant Secretaries (at least) and up again. "It" is perhaps the wrong word, for by this time it is probably not a memorandum but a bulging file of memoranda and minutes. So, at last, the prodigal son comes home again and his father the Assistant Secretary makes a memorandum for the Cabinet and a "brief" for his minister. Assuming that there are no further delays, the Cabinet at last decides on major policy.

Possibly the hypothetical case is exaggerated. It is, however, strictly in accord with the older practice. Indeed, there is very good reason in it. Normally the congestion is at the top, and it is essential that a question should not come to the Cabinet until it has been fully examined in all the Departments likely to have views on it. If a "half-baked" proposal comes from a Department, there will be debates in Cabinet and in Cabinet committees which will occupy much of the valuable time of ministers. Accordingly, Cabinet instructions

since 1931 have laid down the rule that memoranda are not to be circulated until their subject-matter has been fully examined between the Department from which they emanate, the Treasury, and other Departments concerned.

Such proposals generally affect only two or three Departments besides the Treasury, and substance is more important than time. In war time, however, many more Departments are often concerned, because a totalitarian war is waged with all the resources of the nation; and time is of the essence. Further, it is by no means certain that Departmental initiative is necessarily the right method. New weapons of warfare do not mean only tanks, magnetic mines, and the rest (though the failure to develop the tank and to use it properly was a notable example of lack of co-ordination in the war of 1914-18); they include economic and propaganda weapons. The Departments are concerned primarily with their existing technique. They make valuable suggestions for its alteration and development. They can hardly be expected to develop revolutionary methods. Nor is it even possible for a Department to think of a particular problem as a whole. Price policy raises issues affecting the Treasury, the Board of Trade, the Ministry of Agriculture, the Ministry of Food, the Ministry of Transport, the Ministry of Supply, the Ministry of Works, the Ministry of Labour, and even the Ministry of Health (e.g. in respect of local government). We cannot expect any official in any of these Departments to produce for his Minister, and the Minister to produce to the Cabinet, a policy which takes into account all the many facets of this most complicated problem.

In other words, we are here faced with the most difficult problem of co-ordination, the formulation of major policy in such a manner that sound and rapid decisions can be taken by the Cabinet. Attempts have

been made to solve it, as attempts have been made to solve the other problems mentioned in this Chapter. Whether they have been wholly successful, or can be successful with the existing machinery, is part of the issue to be raised.

§ 5. *Instruments of Co-ordination*

It must not be thought that the problem of co-ordination always requires a special institution for its solution. The most important method is that which is purely informal, the day-to-day collaboration between Departments, secured by personal interview and by correspondence. Particularly is this true of the Treasury, whose relations with other Departments are necessarily close. The Permanent Secretary in a Department is appointed by the Prime Minister, acting on the advice of the Permanent Secretary to the Treasury; and though he is a Departmental officer he is also the "watch-dog" of the Treasury as "accountant" for all expenditure. He points out to the official concerned with action involving expenditure that the Treasury must be consulted at some stage, and the sooner the better. Close contact is therefore maintained with the Treasury long before any formal submission is made for the consent of "My Lords". This informal collaboration is, however, only an example of a daily occurrence. No civil servant likes a "row", and he knows that, whereas any other Department concerned is likely to prove "sticky" if proposals for action are developed without consultation, it will probably give what assistance it can if it is consulted at an early stage. If informal consultations are likely to take long, or if a dispute does arise, the simplest procedure is to appoint *ad hoc* an inter-Departmental committee to settle the principles involved and the boundaries of Departmental jurisdiction. These methods assume that

from the beginning the one Department realises that the other may be affected. This is not necessarily so, because the official, running along his own tramlines, may not realise that before he gets to the end of his journey he will reach a junction. Disputes and delay may occur if he has suddenly to put on the brakes. Accordingly, officials are often seconded for service in other Departments as liaison officers, so that they may draw attention to matters affecting the Departments to which they belong. This method is used as a matter of course by the Ministry of Supply and the Defence Departments.

In other cases a more formal organisation is necessary. It has already been mentioned that the Department of Overseas Trade was set up as a joint Department of the Foreign Office and the Board of Trade because agreement could not be reached as to which Department should control commercial attachés and consuls. The Ministry of Health and the Ministry of Education employ the same person as Chief Medical Officer, so that there should be no confusion between the general medical service and the school medical service.

These examples relate entirely to the lower levels of administrative discretion—to "Departmental policy". The need for co-ordination at a higher level has only recently been recognised because the Cabinet and the Prime Minister are supposed to co-ordinate high policy. In large measure they do; it must be remembered, however, that policies are rarely initiated by the Prime Minister or in the Cabinet. The Prime Minister is an extremely busy person, with little time for original thought. Indeed, it has already been suggested that, in normal times and apart from his capacity as party leader, a good Prime Minister is a good chairman of committees. He ought to be, and usually is, an excellent arbitrator. He can decide and ought to decide Depart-

mental disputes which cannot be settled between the contesting Departments. He ought not only to be available to Ministers when they find themselves at cross-purposes, he ought also to have enough knowledge of what goes on in the Departments to realise when conditions are becoming "sticky". He should be able to intervene when action is being held up by difference of opinion, to provide a new demarcation of functions where it can be done without raising questions of principle or demanding legislation, and to shuffle or remove ministers where personal differences stand in the way of effective collaboration. Subject to an exception to be mentioned presently, he has no machinery for developing policy, and though sometimes he may be able to make suggestions as to questions that might be fruitful, he is unlikely to have information adequate enough to permit him to override a Department unless some other Department agrees with him. In other words, he is not in a position to achieve collaboration where co-ordination is most required—in the planning of Government policy as a whole—though he can be a most efficient judge of Departmental differences. So much is this so that some Prime Ministers—Mr Baldwin and Mr Chamberlain, for example—have thought that when demands have been made for better co-ordination they were implicitly a criticism of the Prime Minister. Mr Baldwin thought that the function of a Minister for the Co-ordination of Defence was the settlement of disputes between the Chiefs of Staff; and Mr Chamberlain thought that a Minister for Economic Co-ordination would weaken his own position. In both cases there was a definite misunderstanding. What the critics demanded was not better arbitration but more initiative. They did not complain so much that disputes went on too long (though in the case of rearmament there is much evidence that they did), as that in each case the

problem needed to be examined by a minister who saw it as a whole and not through the different-coloured spectacles of the several Departments.

The Cabinet is in an even weaker position for this purpose. Twenty-five Departmental ministers have twenty-five sets of problems on their hands. Four or five elder statesmen or junior Cabinet ministers can hardly be expected to bring energy and breadth of vision in a Cabinet whose most important members (apart from the Prime Minister) are engaged in solving hosts of immediate questions arising out of pressing administrative needs.

In this respect the situation has fundamentally altered since Peel presided over his Cabinet of nine "Departmental" and five non-Departmental ministers. The functions of the State controlled by the Cabinet have increased ten-fold or more. The development has been in scope and not merely in depth. The speed of administration has been multiplied since Peel travelled day and night to reach London from Rome in nine days. Leisurely consideration of problems is no longer possible. The difference between Peel and Attlee is the difference between a cavalry colonel and the Chief of the Imperial General Staff.

In the sphere of defence, the deficiencies of the Cabinet system were made evident during the Crimean War and the Boer War. The War Office (Reconstitution) Committee pointed out in 1904 that

the British Empire is pre-eminently a great Naval, Indian and Colonial Power. There are, nevertheless, no means for co-ordinating defence problems, for dealing with them as a whole, for defining the proper functions of the various elements, and for ensuring that, on the one hand, peace preparations are carried out upon a consistent plan, and, on the other hand, that, in time of emergency, a definite war policy, based upon solid data, can be formulated.

It was accordingly recommended that the Defence Committee of the Cabinet, set up in 1895, be reconstituted as a Committee of Imperial Defence. Since 1946 it has been re-named the "Defence Committee".

The Committee is not, however, a Cabinet committee. Technically, it advises the Prime Minister, who is its only permanent member, and who summons to each meeting those ministers and officials who are concerned with the items of the agenda. In practice, however, the Treasury, the Foreign Office, the Home Office, the Commonwealth Relations Office, the Colonial Office, the Ministry of Defence, the War Office, the Air Ministry, and the Admiralty are always represented. Moreover, the three Chiefs of Staff and the Permanent Secretary to the Treasury may for practical purposes be regarded as permanent members. What is perhaps even more important is that, instead of having a secretary drawn for the occasion from a Department, or an official from the Cabinet Office, it has a permanent secretariat to which officers who have been through the Imperial Staff College are attached. Its concern is not so much with Departmental disputes as with the peace-time formulation of plans for war-time operations. Quite definitely, therefore, its purpose is to think ahead, to plan in the light of all the information available from nine Departments the steps which might have to be taken if war broke out and, with these plans in view, to advise what forces and equipment should be available in the Navy, the Army, and the Air Force. It can take no decisions, but the recommendations of a committee so influential are necessarily received by the Cabinet with very great respect. Moreover, when the Cabinet has decided, the Departments will generally accept the views of the Committee as to what their consequential action should be.

It was inevitably part of the Committee's task to consider the problem of supply. From making recom-

mendations as to the supplies needed to making recommendations for avoiding Departmental competition was but a step. From recommendations relating to armaments to recommendations relating to all supplies required by Departments is only another step. One of its sub-committees, the Supply Board or Principal Supply Officers' Committee, gradually developed a network of committees dealing with the many items which Departments required—oil, motor cars, bicycles, food and the rest. Where necessary, supplies are purchased in bulk. Often one Department buys for the rest. This arrangement proved inadequate when the rearmament programme was developed after 1935. The Minister for the Co-ordination of Defence, appointed by Mr Baldwin (to meet the criticism of the slowness of development), spent most of his time co-ordinating supplies. Even this proved insufficient, for he had no machinery under his direct control. In 1939 Mr Chamberlain at last gave way to the demand for a Ministry of Supply, which was made responsible only for supplies to the Army but in fact assumed responsibility for much of the work assumed by the Committees. Mr Churchill created a Ministry of Aircraft Production, and Mr Attlee combined the two Ministries. The importance of its work may be judged from the fact that its expenditure in 1948–49 was estimated to be £317 million, of which £187 million would be refunded by other Departments.

Co-ordination among the Defence Departments has followed much the same evolution. The task of the Committee of Imperial Defence was to advise the Cabinet on policy and that of the Chiefs of Staff to advise the Committee and thence the Cabinet on strategy. The Prime Minister acted as chairman of both, though it seems that he did not often preside in fact over the Chiefs of the Staffs. The execution of policy was left to the Service Departments in whose work, it was assumed, the Prime

Minister would take a close and consistent interest. There is, however, no evidence that he did so, except in war time, when the Committee of Imperial Defence became the War Cabinet. Between the wars questions like that of the responsibility for the Fleet Air Arm, the control of combined forces, etc. were left outstanding for long periods because the Cabinet could not decide among the experts. Mr Baldwin's Minister for the Co-ordination of Defence did little towards the co-ordination of defence, though he did achieve some co-ordination in respect of supplies. Between 1940 and 1945, however, the conduct of the war was for all essential purposes in the hands of the Prime Minister. Mr Churchill was most careful not to encroach on the power of the War Cabinet by which all major political questions were decided; but as chairman of the Chiefs of Staff Committee he took strategy into his hands; and in order that there should be no doubt about it he took the title of Minister of Defence.

Until 1946, however, there was no Ministry of Defence. The title which Mr Attlee took over from Mr Churchill was simply an expression of the Prime Minister's special interest. The decision to create a Ministry of Defence in 1946 was due to two factors. First, it was felt that in peace time a Prime Minister, and especially a Labour Prime Minister, could not devote a very large part of his time to defence problems, important though they were, and accordingly that another Minister should be Minister of Defence. Secondly, the experience of the war had shown that a unified defence policy was essential. The Chiefs of Staff had in fact given direct orders, in the Prime Minister's name, to the commanders in the field. It was therefore decided that while the Prime Minister would retain the supreme responsibility for defence and the Service Members should retain the responsibility for the administration of their Services in accordance with

the general policy laid down by the Cabinet, there should be a Minister of Defence responsible for:

(1) the apportionment of available resources of manpower and raw materials among the Services in accordance with the strategic policy laid down by the Defence Committee;

(2) the settlement of questions of general administration on which a common policy was desirable; and

(3) the administration of inter-Service organisations, such as Combined Operations Headquarters and the Joint Intelligence Bureau.

The Minister is Deputy Chairman of the Defence Committee and Chairman of the Chiefs of Staff Committee.

In civil matters there has been something of the same evolution. Town and Country planning, which was mainly the concern of the Ministries of Health and Transport before the war, was handed over to a Ministry of Town and Country Planning in 1943. It was, however, decided in 1945 that Housing policy, as we have seen, required the collaboration of many Departments, could not be handed over to a Ministry of Housing because the collaboration of all the Departments would still be required, and a new Ministry would merely add one to the list. The social insurance schemes, formerly operated by the Ministry of Labour, the Ministry of Health, and the Board of Customs and Excise (in relation to old age pensions) were collected into one scheme operated by the Ministry of National Insurance and to it has been transferred the ultimate responsibility for national assistance, which is a generalised form of unemployment assistance and includes the old poor law, through the National Assistance Board.

Whether economic problems can be tackled in the same way is one of the outstanding questions. Preparation for defence is a comparatively simple problem

because, though the whole population will be involved if war breaks out, the peace-time requirement is simply a highly skilled professional machine. Economic planning, on the other hand, requires the active collaboration of the whole population. By analogy the need for an "Economic General Staff" is often mentioned, but whereas the Chiefs of Staff give orders to their subordinates in the three professional Services, the Economic General Staff would have to give orders to, or at least secure the active collaboration of, managers and workers in countless enterprises and millions of consumers. Further, the actions of other peoples which will affect our defence problems can be forecast with reasonable accuracy, but nobody can forecast what wars, floods, droughts, epidemics, economic policies, political changes, and so on, will affect our economic problems in the next few years.

One simple example will suffice. Our bread supply is dependent on wheat supplies from Canada, which are dependent upon adequate snow falling on the prairies, political conditions in Canada, the dollar exchange, and so on. But our supplies are also dependent on the world demand for wheat; and among the many events which might affect that demand is civil war in Burma, because if Burma's rice supplies are reduced the demands for wheat will increase. Since this is one example among thousands, it is obvious that economic planning cannot be a precise science. It was clear before the war that much more could be done towards collecting the necessary information and working out, if not a long-term policy, at least a series of financial propositions whose detailed application would have to be varied from year to year and indeed from month to month.

In 1925, Mr Baldwin appointed a Committee for Civil Research which was intended to do for social policy what the Department of Scientific and Industrial Re-

search did for scientific investigation. It examined a few problems of no great significance but did not tackle any of the main economic difficulties. In 1930 Mr MacDonald converted it into an Economic Advisory Council composed of Cabinet Ministers and economic and other experts. Such a body must necessarily differ in opinion even over "academic" questions of no immediate political concern; it could hardly be expected to reach unanimity on the economic aspects of current politics. Though some of its sub-committees produced reports, there were years in which the Council did not meet. Mr MacDonald's Government had to face a particularly difficult economic problem, the depression which began in the United States in 1929 and spread to England to such a degree that it destroyed the Government. There is no evidence that the Economic Advisory Council played any part in solving or even failing to solve this problem, which was in fact referred to a committee of civil servants with Sir John Anderson as chairman.

Before war broke out in 1939, it was felt that serious attention had to be paid to the economic problem. Obviously the economic resources of the country had to be "mobilised"—to use the current catchphrase—to enable the maximum war effort to be produced. It was decided to establish an Interdepartmental Committee on Economic Policy, with Lord Stamp as chairman, and with a number of economists as advisers, the Lord President of the Council being responsible to Parliament. This "Stamp Survey" produced a large number of very valuable studies, though there is no evidence that they were adequately used. Partly as a consequence of this organisation and partly independently, a staff of economists and statisticians was built up at the Cabinet Office as the "Central Economic Information Service". Later, this was split into the Central Statistical Office, which remains at the Cabinet Office, and the group of

economists, who wandered far before they reached the promised land of the Treasury.

Mr Churchill concentrated on the conduct of the war and left the "home front" to his colleagues. Responsibility for the economic side of the home front he placed, somewhat curiously, on the Lord President of the Council, who therefore assumed control of the economic staff at the Cabinet Office. The explanation apparently lay partly in the fact that the Lord President was a member of the War Cabinet without heavy departmental duties, and partly in the fact that Sir John Anderson had given much thought to these problems before the war. The Lord President presided over a ministerial committee which met weekly to survey and settle on behalf of the War Cabinet such problems as those of distribution of manpower, allocation of raw materials, use of shipping, etc. The Economic Section kept in close touch with the Departments with a view to providing the material for and giving advice to the Lord President on these and other economic matters. It is generally agreed that this arrangement worked with remarkable success, but several features, not all of which would be characteristic of peace-time government, need to be emphasised.

In the first place, the objective was plain and unambiguous. The task of the economist was to supply the means by which the armed forces of the Allies might be enabled to attain superiority over their enemies. This no doubt explains in large part what has been called "the impressive war-time harmony of economists".¹ There was no mixture of politics and economics as there is inevitably in peace-time politics, where people's ideas both about objectives and about methods necessarily differ.

In the second place, and largely as a consequence,

¹ Quoted by Sir John Anderson in *The Organization of Economic Studies in Relation to the Problems of Government* (Oxford, 1947) from which much of the above has been taken.

economic policy was a secondary and subordinate issue, since the people generally were prepared to submit to controls and deprivations in order to win the war, whereas in peace time it becomes the primary issue, since it is assumed (rightly or wrongly) that the electors are concerned fundamentally with advancing their own individual well-being. The economists were, so to speak, allowed to run their own show because economic policy was a technical issue in such conditions, whereas in peace time it is an issue on which politicians take sides.

In the third place, and again partly consequentially, the Government could rely on the fullest collaboration from the economic groups, including private industry and the trade unions, most of which were willing to subordinate their sectional interests in order to further the war effort. Such conditions would not obtain in peace time because some groups, at least, would deny that the Government's objectives, whether it was a Conservative Government, or a Labour Government, were really in the national interest.

Sir Oliver Franks has pointed out in three admirable lectures¹ that the United Kingdom has obtained certain advantages through this war-time experience. First, the Government (which means not only the politicians but also the civil servants) has gained much knowledge of the manner in which trade and industry function and of the people who function in them. Secondly, the Government Departments have acquired knowledge of the methods needed for central planning, even though it be true that peace-time planning is very much more complicated than that of war. Thirdly, the men who control trade and industry have a much better knowledge of the way in which Government works and of the aims which governments pursue. Fourthly, the nation as a

¹ Central Planning and Control in War and Peace (London School of Economics, 1947).

whole has become accustomed to the principle that private interests must be subordinated to the national good.

In 1944, in the White Paper on Employment Policy (which was evidently produced by the Economic Section and was, so to speak, a formal acceptance of the doctrines of Lord Keynes), the Government accepted the doctrine of Full Employment, a doctrine which implied that the monetary, fiscal and expenditure policy of the Government would be so planned as to maintain a close relationship between the supply of and the demand for labour. If certain other factors, such as the need for regulating conditions of work, housing and town planning, standard of products, etc. and also for providing a full range of social services, be excluded, this may be regarded as the highest common factor of agreed economic policy. Beyond it, the parties have different policies, those of the Conservative party emphasising freedom and initiative for competitive industry and those of the Labour party emphasising national ownership and control in the interest of the worker and the consumer.

Since there is a large measure of agreement (which, incidentally, confirms the opinion expressed earlier in this book that there is not a fundamental divergence between Government and Opposition) the Government machinery has to allow for a large measure of planning. Since the Labour party won the election of 1945 it must, in theory at least, allow for an even larger measure.

For a time, Mr Attlee continued the war-time organisation. For reasons which have not been explained, but probably because the Lord President of the Council was fully engaged in managing the House of Commons and because Labour party policy must necessarily emphasise economic planning, he decided in 1947 to establish a Ministry of Economic Planning, though the then Presi-

dent of the Board of Trade, Sir Stafford Cripps, assumed the responsibility in addition to his other duties. In 1948, however, Sir Stafford Cripps became Chancellor of the Exchequer, and he then carried into the Treasury the functions that he had performed as Minister of Economic Planning.

The Central Statistical Office remains part of the Cabinet Office, and it should be said that as a result of the wartime experience a much fuller and better statistical service is now available to the Government. It prepares in particular the Monthly Digest of Statistics and the Annual Abstract of Statistics, which are essential for an adequate understanding of the problems of government. Before the war only an Annual Abstract was published, and then under the control of an inter-departmental committee. It also produces an annual survey of the National Income and Expenditure of the United Kingdom,¹ which is a fundamental document for all those who can claim to speak on economic policy.

The Central Statistical Office is not, however, a policy-forming Department. The responsibility for this function is now vested in the Treasury, which has two sections. First, there is an Economic Information Unit, which may be described as the Treasury's publicity section. Secondly there is the Central Economic Planning Staff under a Chief Planning Officer whose salary (£6,500 a year) is £1,500 more than that of the Chancellor of the Exchequer and nearly twice that of the Permanent Secretary to the Treasury. Its function is to provide "the long-term plan for the utilisation of the country's manpower and resources".² There is still an Economic Section in the Cabinet Office, with which the Central Planning Staff collaborates, but its relative importance may be judged from the fact that its Director is paid £2,000 a year. The preparation of the long-term plan

¹ See, e.g. Cmd. 7649, 1949.

² 450 H.C. Deb. 5s. 187.

was delayed until the European Recovery Programme was settled, but is presumably now in active preparation. Meanwhile, we have from the Treasury an extremely useful annual Economic Survey¹ and an annual Survey of the Balance of Payments² as well as the survey of National Income and Expenditure already mentioned.

There are technical difficulties about the preparation and use of a National Plan in addition to those which might be asserted by economists.

First, the assumption on which a National Plan is built is that there will be a consistency in economic policy which is foreign to the parliamentary system. Economic policy is at the centre of political controversy and must be adapted to changes in public opinion. It cannot be expected that a Conservative government will follow a plan produced by a Labour government or vice versa. What is more, any government must mould its policy to meet public opinion and keep itself in power. It follows from the logic of the parliamentary system that if any part of the plan seems likely to lose votes at the next election it will not be carried out. This argument does not, however, destroy its validity, but it suggests that a plan would be no more than a norm from which any government would feel at liberty to depart at any moment and perhaps for all time.

Secondly, a National Plan cannot be carried out by governmental action alone. It requires the collaboration of industrialists, workers and consumers. No doubt there can be "controls", as there were during the war; but the success of those controls lay in the fact that everybody recognised their necessity as instruments for winning the war. It would be unreasonable to expect industrialists to give full collaboration in the operation of controls when they disagreed with their need and with the principles on which the plan was based. Nor is the

¹ E.g. Cmd. 2647, 1949.

² See e.g. Cmd. 7648, 1949.

danger only from them, as is sometimes assumed. Trade unionists have learned to assume that they are entitled to use their collective power to raise wages and better their conditions of work. It has not been easy for the Attlee government, with whose political views most of them are in sympathy, to persuade them to alter their conditions and to "freeze wages". Again, consumers are apt to assume that they are entitled to spend their money on what they want and not on the commodities which, according to the plan, ought to be produced, imported and sold. Moreover, the workers and the consumers are the great mass of the electorate and, as long as the preparation of alternative policies is permissible they might, for instance, decide to turn out a government which did not produce or permit enough sweets, tobacco, beer, films, "new looks" and football pools. This argument might lead to the conclusion that the State must either become at once completely socialist and totalitarian, as in the Soviet Union, or have no plan at all; but this ignores the possibility of a very elastic plan which allows considerable adaptation to changing fashions and varying opinion. It does suggest, however, that planning is a difficult art, and that it is easier to produce a plan which will fail than one which will succeed.

Thirdly, as Sir Oliver Franks had pointed out¹ the execution of a plan cannot be the business of a Department of Planning; it must be carried out by all, or nearly all, the Departments. Who is to be the watch dog, and how can we be sure of his barking whenever some decision is taken, perhaps by an Assistant Secretary, which does not conform with the plan? Nor will it be enough to bark. The dog must be in a position to bite if need be. The answer is, of course, that we should have to educate not only our masters, in the old Victorian sense, but also our servants, and we might have to ask

¹ *Op. cit.* p. 49.

whether the old assumption that a man or woman trained in Classics or Mathematics or even "Philosophy, Politics and Economics" is necessarily capable of putting a plan into execution.

The purpose of this discussion is not to reach a conclusion whether planning is or is not desirable. That question is one of current politics on which the reader will form his own opinion in the light of his own prejudices and (to a less degree unfortunately) his knowledge and experience. What is clear is that the creation of a Central Planning Staff is but the first step, and that much must be done to the machinery of government before a plan can be put into execution.

BRITISH DEMOCRACY

§ 1. *Government and Opinion*

The fact which emerges most clearly from the survey in this book is the close relation between the policies followed by the Government and the general ideas of the majority of the electorate. It is a consequence of the simple principles upon which the British Constitution is based. The Government governs because it has a majority in the House of Commons. It possesses that majority because the party which it leads secured a majority of seats at the last general election. The parties are not mere electioneering organisations, as they tend to be in Canada and the United States, but are truly based upon competing political principles. In preferring one party to another, therefore, the electorate not only prefers one Government to another but prefers one line of policy to another. Its choice is of course made at infrequent intervals, but always the Government in power has the prospect of having to appeal to the electorate at no very distant date. If it wishes to remain in power it must continue to receive the support of a majority. It must be able to base a successful appeal on its past record. It must be able to explain away its mistakes and emphasise its achievements. Every mistake is an argument against it and every achievement an argument for it. Therefore it must not make obvious mistakes, and its achievements

must be such as will meet the elector's approval. Since in fact the division of support between the two major parties is extremely small, any Government must have profound respect for movements of opinion. Nor can it fail to be aware of such movements, for every member of the House of Commons is in close touch with his constituency and is aware of the currents that tend to lose him votes. He will lose votes from every unpopular action by his leaders because he is elected not on his personality nor on his political record but on his party label. A vote against the Government is a vote against him. Accordingly, he expresses in the House or in the lobbies the fear that the Government policy induces in him. He sounds the alarm in the House when the bell begins to ring in his constituency.

The history of the Chamberlain Government convinces many that this analysis is not correct. They are so convinced because they—and particularly Americans—find it incredible that the majority of the electorate supported Mr Chamberlain. The opponents of a Government always find it incredible that its supporters are such fools, and many British subjects found American isolationism equally incredible. There is no evidence that, at any time before May 1940, Mr Chamberlain had lost his majority. In 1935 Mr Baldwin had secured 432 seats out of 615. Munich was supported by 366 votes to 144, no member of a Government party voting with the Opposition. These figures are not representative of opinion in the country. Allowing for unopposed returns, it may be estimated that the Baldwin Government gained about 54.5 per cent of the votes in 1935. There is no precise method of weighing changes of opinion between general elections. In particular, bye-election results are of no value unless the changes are very pronounced. A close analysis suggests, however, that the Government lost support slightly between the resignation of Mr Eden

in February 1938 and the Munich agreement of September of that year. The loss was no greater after Munich, and it seems to have been recovered after the invasion of Czechoslovakia in March 1939. All the portents suggest that if there had been no war in 1939 and a general election had taken place the Government would have obtained a majority, though probably more nearly proportionate to its majority in the country. Mr Chamberlain had not lost his majority in the House even in May 1940, and there is no evidence that he had lost it in the country. As has been said, what compelled him to resign was not the fact that forty-one of his former supporters voted against him (though that drove home the lesson) but the fact that the Labour party had decided to oppose. In war time opposition must be avoided, and since "the Munich triumvirate" was the cause of the opposition, it was clear that resignation was necessary.

Some qualifications must nevertheless be made to the general statement made above. In the first place it must be made clear that the electorate and the people are not quite the same body. At the next election (after 1948) the correlation between them will be greater than ever before, partly because double votes have been extinguished and "one man, one vote" has been brought into operation by the Representation of the People Act, 1948, for the first time, and partly because there has been a redistribution of seats which makes one vote of almost equal electoral value. Nevertheless, the people who vote are not quite the same as the people who might vote. The results of local elections, for instance, give little guide to the results of parliamentary elections, not only because the issues are different, but also because at a local election 50 per cent is a good poll, whereas the average poll in parliamentary elections is 75 per cent. Even so, the other 25 per cent help to form public

opinion. Indeed, the man who talks loudest or most convincingly in the club or the pub may not vote at all.

Secondly, the power of public opinion can operate only where there is a powerful party system which gives the electors a real alternative. In Great Britain this condition is satisfied; for though it is true that many constituencies never change their allegiance, a slight change of opinion swings the marginal constituencies and hence changes the Government. It has not been entirely satisfied in Northern Ireland, where the strength of the Unionist party (a reflection of the opposition to nationalist Ireland) has prevented a real choice; but by 1945 the Labour party had become strong enough to challenge this monopoly. Belfast West returned a Labour member and Belfast East and North had close contests. In any event, Northern Ireland is not deprived of a choice of alternatives by the fact that its choice can usually be forecast.

Thirdly, our system of representation produces the result that the size of a majority in the House of Commons may bear little relationship to the size of the majority in the country. In 1935, for instance, the Conservative party and its dependents gained, allowing for uncontested seats, about 54.5 per cent of the votes but 70 per cent of the seats. In 1945 the Labour party gained about 40 per cent of the votes but 61 per cent of the seats. The consequences have been discussed in Chapter II, where it is suggested that the advantages of proportional representation are not so great as the disadvantages. In any case, proportional representation usually means not government by the people but government by groups. The argument on which this part of the chapter is based is that because the Government has a majority and because it wishes to retain that majority it is and must be extremely susceptible to changes of opinion in the constituencies. In all probability a coali-

tion based on groups would be far less susceptible, because movements of opinion would be obscured and political crises would depend very largely on personal sympathies and antipathies. It is important that every section of opinion should have its instrument of expression, but not that it should be proportionately represented in the House.

This brings us to the fourth point, that the opinions which weigh most heavily are not the large sections but what may be called the "marginal" opinion, represented by the floating vote. The nature and size of that vote have already been discussed. The result is to emphasise the lower middle-class opinion in the suburbs and suburbanised county districts. It is of course true that no party dares to antagonise the main body of its supporters, but at present neither can gain a majority without capturing the marginal votes. No representative system can avoid this result. Proportional representation, in fact, would exaggerate it by placing the balance of the Constitution in the hands of an organised group at least as capable of using it for the personal advantage of its leaders as for the benefit of the marginal voters. Nor has any other system avoided the result. Even in presidential elections in the United States the "key" States are known, and the electoral college system has enormously exaggerated it. Moreover, combined with the irresponsibility of the executive, the strength of minorities has led to the practice of the organised lobby and the pork-barrel.

The fifth point arises out of the fourth. This middle-class margin is politically timid. It has a precarious foothold on the middle rungs of the social ladder. It fears to drop lower and hopes tenaciously to climb a little higher. It is, therefore, very susceptible to rumour and panic. It has what may be called a *Daily Mail* and *Daily Express* type of mind; these newspapers in fact cater primarily for this type of reader, as their advertise-

ment columns bear witness. Stories about "red-letters" and the use of savings are readily accepted, and a depression like that of 1931 sends it running for shelter. It is thus a convenient soil for the cynical empiricism of the Conservative Central Office which the almost equal cynicism of Transport House cannot offset.

This is, however, one application of a general problem, that public opinion is apt to be swayed not by reason and knowledge but by emotion and propaganda. The parties are in fact vast propaganda machines. On the one hand the Conservative party beats the mystical drum of patriotism and on the other hand the Labour party plays the shrill fife of social sympathy—"allows its bleeding heart to go to its bloody head". This is a characteristic of all democracies. It is, however, still more a characteristic of dictatorships, as every reader of *Mein Kampf*, every spectator of fascist or Nazi circuses, can testify. The difference is that in a democracy the elector can choose between the drum and the fife, whereas in the dictatorships he had to choose between the drum (or the trombone) and the rubber truncheon. The result in Great Britain is that the ordinary elector has a good deal of suspicion of all the instruments of the political orchestra. He is apt to "confound their politics" (in more Anglo-Saxon language) and turn to the racing results. He retains enough interest to vote, but votes according to what he believes to be his interest. In consequence he is accused by the Marxists of not being "politically conscious". It is true that he is not conscious of the Marxist interpretation of history and hates class war as much as he hates imperialist war; but he is fully conscious either of the importance of unionism, in which case he votes Labour, or of the importance of financial stability, in which case he votes Conservative. There are, of course, cross-currents, especially among the middle classes. Roman Catholics generally believe

that there is some connection between socialism and atheism; the Church of England generally induces a mild Conservatism; the Free Churches are apt to be radical, especially in Wales and Scotland; and intellectual movements help to sway the marginal votes. John Stuart Mill's rationalist assumptions are largely false, but the British voter has a sound and steady empiricism which he calls "common sense".

It is sometimes said that the Government in power is able to delude the people by neglecting to give unpalatable information and making comfortable forecasts which it knows to be false. Emphasis is naturally laid on the speech of Mr Baldwin on 12 November 1936, in which, with "appalling frankness", he confessed that in 1933 and 1934 he had failed to give a lead for rearmament because of the probable electoral consequence. There was a by-election at Fulham in the autumn of 1933, when the Government lost a seat by 7,000 votes "on no issue but the pacifist".

Supposing I had gone to the country and said that Germany was rearming and that we must rearm, does anybody think that this pacific democracy would have rallied to that cry at that moment? I cannot think of anything that would have made the loss of the election from my point of view more certain.

Mr Baldwin went on to say that "the country itself learned by certain events that took place during the winter of 1934-35 what the perils might be" and in 1935 the government secured from the electorate "a mandate for doing a thing that no one, 12 months before, would have believed possible". In fact, however, rearmament was not the main issue at the general election of 1935. Mr Neville Chamberlain had wished it to be so, but had been overruled by the party officials. The party manifesto therefore made as strong a point of "the establish-

ment of a settled peace" through the League of Nations as of the need for rearmament. However Mr Baldwin's confession be read, therefore—and there have been divergent interpretations—it was an admission that he had suppressed information of fundamental importance because it might have had an adverse effect on his party's electoral prospects; and it is also clear that the danger was deliberately minimised at the general election of 1935 lest votes be lost.

The example shows some limitations of public control. In the first place, it is not easy to create a public opinion at all in matters which do not affect people's lives immediately and closely. Foreign policy demands a knowledge of people, events and tendencies which the ordinary person does not possess and which, indeed, he cannot easily acquire. The foreign news in the papers is seldom good because cabled news is expensive and it is even more expensive to keep special correspondents in foreign countries. What news there is is not read very carefully—and this is another reason to justify the tendency of the newspapers to keep it to a minimum. Yet difficulties arise in foreign affairs not because of isolated events or decisions but because of general tendencies of policy. There are, for instance, at least three versions of the British policy which ended in 1939 with the outbreak of war. Mr Churchill, in *The Gathering Storm*, has produced a strong condemnation of the National Government for not following the policy which he had himself consistently supported, of increasing armaments and resisting the growing aggression of the dictators. An equally strong condemnation might, however, be produced by a Labour party supporter on the entirely opposite ground that the National Government had, from the time of the Japanese invasion of Manchuria, failed to make adequate use of the machinery for collective security provided by the League of Nations.

Presumably a case could be made, and in some degree, Mr Keith Feiling has made it in his *Life of Neville Chamberlain*, for the policy which the Government did in fact follow. The point is, however, that it is difficult if not impossible to say that any particular decision of the Government was right or wrong, because the context in which the decision had to be taken was in some measure created by the Government itself. If public opinion is to be effective in foreign policy it must follow the whole course of that policy, and not merely express an opinion when it seems to be producing unsatisfactory results, as in 1939.

Actually there has been no period in our recent history when public opinion paid so much attention to foreign policy as in the period 1933 to 1939. In large measure this was due to the antics of the mountebanks who governed Italy and Germany; but it was also due to the consistent propaganda of the League of Nations Union and the Labour Party. There is no doubt that, at least from 1933 to 1936, it was against the government—it is more difficult to be certain of the period that led to Munich.¹ It is here that Mr Baldwin's "confession" becomes relevant. Finding public opinion against it in 1933–35, the Government neither changed its policy nor tried to change public opinion. Instead, it followed a practice which can only be described as dishonest, by continuing to give lip-service to collective security and at the same time beginning, not very efficiently, the process of rearmament.² It must of course be said that there may have been difficulty in using the language needed for convincing public opinion. Speeches on

¹ The study of public opinion is a difficult art. We should know a good deal more if we could have a volume covering 1931 to 1939 on the lines of Mr R. B. McCallum's *Public Opinion and the Last Peace* (Oxford 1944).

² The evidence is in Feiling's *Life of Neville Chamberlain*, and in less degree, in Churchill's *The Gathering Storm*.

foreign affairs are heard not only by British electors but also by foreign powers. It is one thing for a lone crusader like Mr Winston Churchill to attack foreign governments; it is another for His Majesty's Government to do so. Still, Mr Neville Chamberlain was prepared to go to the country on rearmament in 1935; it was the fear of the electors, not the fear of foreign governments, which made Mr Baldwin decide otherwise.

Thirdly, the episode illustrates the difficulty of securing the enforcement of public opinion in foreign policy. As has been said above, the process of government in foreign affairs is not one of taking individual decisions but a continuing process of taking connected decisions. The nation was led to support "appeasement" in 1938 because Mr Chamberlain's previous policy had led to it, just as a large part of the nation was led to support the Boer War because the previous policy of Mr Joseph Chamberlain had led to it. In other words, even when the foreign policy approved by the people is clear (and this rarely happens) its execution lies in the hands of the Government, which can sabotage that policy, and compel the adoption of its own, by carrying out the policy inefficiently. The only remedy of public opinion is to throw out the Government at the next opportunity, and meanwhile other political issues may become dominant. The Balfour Government went down with a crash in 1905 and the Chamberlain Government disappeared in 1940, but it can hardly be said that the former was due to Mr Joseph Chamberlain's policy after 1896 or the latter to Mr Baldwin's "confession".

§ 2. *Democracy and Liberty*

With all these qualifications, it is still true that the relation between Government and opinion in Great Britain is very close. It could not be so close but for one

factor of which, perhaps, not enough has been said in this book—the general acceptance of the principles of civil liberty. The fact that so little has been said on this subject is in itself evidence of the generality of the acceptance. Civil liberty is so fundamental that a description of it might almost be taken as read. In these days, however, old heresies masquerade under new names and new Huns refine upon the barbarities of the old. To allow the attacks upon the principles of liberty to go by default might be to give the impression not, as is the case, that they are not worthy of being answered, but that they cannot be answered. Nor would it be proper to conclude a survey of the British Constitution without an explanation of the great principles for which the peoples of these islands and of their colonies in North America fought and died.

Emphasis is rightly placed on the laws and institutions which protect liberty in this country. What is less often realised is that liberty is a consequence not of laws and institutions but of an attitude of mind. Laws can be broken and institutions subverted. A people can be forcibly enslaved but it cannot be “forced to be free”. It becomes free because it desires to be free, and it remains free because it so intends. Civil and religious liberty came to Great Britain as a lesson drawn from bitter experience. The lesson was first learned in the sphere of religious liberty, though religious and political liberty could not then be clearly distinguished. Those who believe that they have found truth and that those who spurn it have souls in danger of eternal damnation may reasonably think it their duty to stamp out heresy. Roman Catholics, the Reformed Church of England, the Scottish Covenanters, the English “Saints”, had their own brands of truth and their own standards of heresy. Oliver Cromwell, the statesman who had to govern a multitude of sects, might make fine speeches on tolera-

tion. His secretary, John Milton, might in *Areopagitica* write the finest defence of liberty in the English language. They were, however, in advance of their time. Not until the "age of reason" was it recognised that truth, if there was such a thing, was many-sided and that any Protestant might have learned a portion of it. Not until after Culloden, when Romanism ceased to be sedition, could Roman Catholics begin to live in peace, and not until 1829 were their main legal disabilities swept away. Even the age of reason could not accept agnosticism or atheism as arguable propositions, and the political disabilities of Jews and dissenters were not all abolished until late in the nineteenth century.

In the meantime the connection between religion and politics had become less close. Church patronage was to Walpole a means of keeping the Whigs in power. Bolingbroke could be a Deist (though in private), seek to lead the party of "Church and King", and hold treasonable converse with a Romanist Pretender. A political leader ran the risk of impeachment not because of his religious opinions, but because he had lost his majority. Not until late in the eighteenth century was political opposition pardonable, and even Charles James Fox was struck off the roll of the Privy Council.

It is true that long before the eighteenth century civil liberty in the narrow sense had been established. A host of foreign commentators, such as Montesquieu, Voltaire and de Lolme, bore testimony to the freedom that prevailed in England. A conflict against the King and the King's religion was a conflict for the liberty and the property of the individual. The Court of Star Chamber went the way of the Court of High Commission. The abolition of newspaper licensing was almost an accident. The Parliament that tried to exclude James II from the throne passed the Habeas Corpus Act. The Bill of Rights which declared the abdication of James II dealt with



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jurors and excessive bail. The Act of Settlement which transferred the Crown to a more remote Protestant line provided for the independence of judges. Toleration was being erected into a principle, but it is not too much to say that civil liberty was gradually established as a series of empirical solutions of problems raised by the general and religious opinions of the Stuarts.

The result was, however, clear. The great Whig improvisations became the great Whig principles. All were in danger when the French Revolution sent the old Whigs into the arms of the Tories. Charles James Fox and the second Earl Grey fought a gallant rearguard action, and countless almost unknown heroes resisted in the battle which culminated in the failure of the Six Acts. Earl Grey was carried along on the rising tide of the new middle class, and the Whig principles of 1689 became the principles of both political parties.

To explain what these principles are is no easy matter because their precise connotation varies with the functions of the State. For much of the nineteenth century they meant *laissez-faire*, and they are frequently asserted in that extreme form even to-day, when all parties are more or less collectivist. Even the most concrete application can rarely be stated without qualification. To say that "no man can be kept imprisoned except on the orders of a court", for instance, is false, because lunatics, mental deficients, persons suffering from infectious disease, and so on, may be detained without their consent. It must again be emphasised that liberty is the consequence of an attitude of mind rather than of precise rules. It involves insistence on the idea that the action of the State must be directed to achieve the happiness and prosperity of all sections of the community, without regard to wealth, social prestige, "race" or religion. It recognises that the advantage of the many ought not to be purchased at the expense of the suffering of the few. It stresses the

autonomy of the individual without asserting that a substantial degree of regulation may not be desirable. It forbids anti-social activity without making the individual a slave tied to a machine.

These are generalities which give infinite scope for differences of opinion as to their application. If they are applied too widely they tend to the creation of a social and economic anarchy because they make the individual free to be enslaved. If the qualifications are interpreted too widely, they make the individual a slave to a machine. Between the extremes is an area in which true friends of liberty may hold different opinions without denying the essential idea. Within that area British political parties formulate their programmes.

Certain institutions are, however, clearly necessary. The first is an honest and impartial administration of justice. That has certainly been attained. No suggestion of corruption is ever made against our judges. They may often be mistaken; their interpretations may sometimes be warped by the narrow groove in which they have been trained; their remedies may often be unavailable to poor men because they are too costly; but they enjoy a reputation for probity which many nations have cause to envy. Moreover, they are independent of political control and political influence. They take orders from nobody except Parliament and superior courts. Though they cannot rid themselves of political bias and though sometimes they have been appointed (more often in the remoter past than in the past generation) because of their political success, they do their best to be impartial, and they would openly and forcibly spurn any attempt at political pressure.

It is necessary, however, that there should be not only impartiality in the judges but also impartiality in the laws. This does not mean, as some have assumed, that all laws must apply equally to everyone. There must be

special laws for bankers, and not everyone is a banker. What it does mean is that the laws must not make irrelevant distinctions. The law of banking must apply equally to all bankers, whether they are Jews or Gentiles, Conservatives or Socialists, Roman Catholics or Quakers, moderate drinkers or total abstainers. The more general the evil to be avoided or the advantage to be gained, the more general the law. The law of murder or of theft can make no distinctions between peers and poets, rich men and poor, public servants and private employees. On the other hand, generality and impartiality do not mean that special classes of persons like publicans or public officials may not have special obligations imposed upon them. Nor does it mean that individual owners may not be deprived of their property or have special restrictions imposed upon it in the general interest. In such a case, one property owner is distinguished from another for relevant and not irrelevant considerations like "race", religion or political opinion. Since there is a differentiation, however, it is recognised that compensation must be paid. In other words, what this application of the general idea means is that deprivation of liberty or property must be by "due process of law". In particular, "race", religion and political opinion are irrelevant except in so far as they tend to promote disorder or subvert our democratic Constitution.

The impartiality of laws is not maintained except by the impartiality of their application. The impartiality of the judges is one means by which this is secured. So far as judges are competent and judicial procedure is appropriate, therefore, the application should be left to the Courts. Frequently, however, judges are incompetent because expert knowledge is required and judicial procedure is inappropriate because its cost and formality hinder proper investigation and prevent poor persons from protecting their interests. Judges cannot administer

the law of education; judicial procedure is not an appropriate instrument for determining whether it is reasonable to refuse to allow a house to be built by the side of a main road; the judicial procedure is too dilatory and costly to determine whether John Smith is genuinely in search of work. The greater the activity of the State, therefore, the greater the need for honest and impartial administration. Here, too, the British Constitution teaches more lessons than it can learn. Its success is in part due to the civil service which has already been described; in part it is due to the magnificent system of local government which is, unfortunately, outside the scope of this book. It is, however, also due to the control which the courts exercise over public authorities. This system cannot be praised without qualification, because the methods have been dilatory and expensive, and they have not always been applied with proper understanding of the problems involved. Nevertheless, the courts have set their faces sternly against partiality and corruption, and they have insisted that "justice must not only be done but must be seen to be done".

Of the technical methods by which these functions have been exercised there is no space to write. Every Englishman has heard of *habeas corpus*, because it has sometimes lain near the centre of political controversy. He ought also to know about *mandamus*, prohibition and *certiorari*. Nor is this all. Justice and liberty are not maintained only through remedies with Latin names. It is the ordinary administration of civil and criminal law and the interpretation of administrative statutes which matters most. There are defects with which every lawyer is familiar. There are some methods adopted elsewhere, notably by the French, which might be adopted here. The law is in many parts still the "ungodly jumble" of which Carlyle spoke. Yet this certainly English (and Scottish) law does provide, that no man is penalised

because he is a Jew, or poor, or without political or social influence, or because he belongs to a party, or because he has unusual notions about a future life.

Nevertheless, we must return to our main point. All this is not so because of technical devices and peculiar rules of law. The law is what Parliament provides, and it is in Parliament that the focus of our liberties must be found. Civil liberty is a consequence of political liberty, and political liberty is the result of a long evolution. The freedom of debate in Parliament asserted by the Bill of Rights is one of the most important political principles. The symbol of liberty is His Majesty's Opposition. This too requires a background of liberty. Without free elections there can be no true parliamentary freedom—though it was only in 1872 that Parliament was convinced that in order to be free voting must be secret. Without freedom of speech, freedom of public meeting, and freedom of association there cannot be free elections. These liberties are not absolute, for freedom to work the Constitution cannot imply freedom to subvert the Constitution, and there is not always agreement on the extent of the qualifications. Nevertheless, the principles are accepted. Moreover, it is because they are accepted that they remain. A Government with a majority in both Houses would find no technical difficulty in sweeping them away.

It is clear, therefore, that the source of our liberty is not in laws or institutions, but in the spirit of a free people. It is the more firmly founded because it expanded so slowly. The liberty for which our forefathers took up arms was a very limited liberty—freedom for a reformed Church, freedom from royal absolutism, parliamentary freedom. For the rest, liberty has "broadened down from precedent to precedent". The danger now is not from within, but from without. As these words are

being written¹, intolerance, "racial" prejudice, a new persecuting religion which derides all other religions, and an absolutism that decries all moral principles are flying over our heads and dropping their presents from the skies.

§ 3. *Is it a Democracy?*

In 1940 an American citizen wrote to *The Spectator* from Seattle, Washington, to explain why many American citizens were at that time isolationist. His argument included the assertion that Britain was not a democracy in his sense of the term.

If what you mean by democracy was the system practised in England just before the war, you will find many here in America who will dissent to your use of the term. I, as an American, do not consider equal justice for all as denoting democracy, or even equable political representation. Democracy must stand on a different basis from something which is grudgingly given by a conciliatory upper class to classes which are hard pressing it. Democracy must stand on the ground of the most common and least privileged of the people composing a country. It must first be of the people before it can be by it or for it. Therefore you do not touch us when you say that you are fighting for democracy. You are not fighting for our kind of democracy.

Perhaps the citizen of Seattle now regrets that he wrote this letter. It is idle to dispute about minor differences when great principles are at stake. The statement is nevertheless worth quoting because it represents a point of view that is not to be found only on the shores of Puget Sound. That we have not an egalitarian democracy will be readily agreed; that the United States or the State of Washington has an egalitarian democracy will not be agreed so readily. Comparisons are odious, and few are experienced enough to be able to make them. If it is true, as this book alleges, that there is a close correspondence

¹ The book was completed during the Battle of Britain.

between the actions of the Government and the opinions of an electorate containing all "the most common and least privileged of the people", it is difficult and, indeed, impossible to assert that this is not a democracy. If it is true, as this Chapter alleges, that British liberty—not merely "equable political representation" and "equal justice for all"—rests on the spirit of a free people, it is difficult to understand how free peoples everywhere can fail to sympathise with it.

The sting of the statement lies, however, in the phrase "grudgingly given by a conciliatory upper class to classes which are hard pressing it". It would be easy to retort with a *tu quoque*. An American citizen in far-off Seattle may be pardoned if he misunderstands who are this "conciliatory upper class". It certainly did not come over with William the Conqueror. It is not the descendants of those who killed each other in the Wars of the Roses. It is not the "new nobility" of the Tudors. It is not the landowners of the eighteenth century, nor even the manufacturers of the nineteenth. At its worst it is no worse than the bankers of Wall Street, the steel kings of Pittsburg, or the lumber kings of Seattle. Vested interests always oppose reforms that seem to threaten them. Our democratic advance has been slow because our people have been conservative. They have recognised that there has been much in established institutions that has been truly admirable, that rapid changes are apt to destroy more than they create, that there is an "inevitability of gradualism" in more senses than one, and that they themselves have much to lose besides their chains. The outpourings of enthusiastic reformers must not be mistaken for the complaints of a frustrated people. If the people of this country want to overthrow capitalism, the public school system, the House of Lords or the monarchy, they have the power in their hands. If they have not done so, the explanation is that they have

not wanted to do so. The monarchy, in fact, provides an excellent example. The Americans decided to overthrow monarchy more than 150 years ago. It would be unnecessary now to use the methods that they then used: but there has never been a really serious republican movement—certainly not since Joseph Chamberlain left the Liberal party. The stability of the monarchy does not depend on a condition made by a “conciliatory upper class” in consideration of social reforms. It depends essentially on popular support.

The truth is that “the most common and least privileged of the people” have generally been conservative, while the “conciliatory upper class” has sometimes been, on American standards, quite radical. Thus arises the astonishing homogeneity of our political opinions, to which Bagehot drew attention and which the developments of eighty years have not affected. If it is necessary for democracy that the country should be rent by fierce conflict between the privileged and the under-privileged, we have not a democracy. But that kind of democracy is to be found neither in our books nor in our experience. Democracy, as we understand it, means that the people must be free, the free choose the rulers, and the rulers govern according to the wishes of the people.

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